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Permanent Forum on Indigenous Issues
Second session
New York, 12-23 May 2003
Item 4 of the provisional agenda*
Mandated areas

Outcomes achieved in response to the first session of the Forum

Note by the secretariat of the Forum

Summary

The present note provides an overview of developments related to the Permanent Forum on Indigenous Issues and to the recommendations made at its first session as reflected in its report. Action taken since the first session includes the establishment of the secretariat of the Forum and a variety of responses from the United Nations system and intergovernmental bodies.

* E/C.19/2003/1.

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I. Introduction

1. In its resolution 2000/22, the Economic and Social Council decided to establish the Permanent Forum on Indigenous Issues with a mandate to discuss indigenous issues relating to economic and social development, culture, the environment, education, health and human rights. In particular, the Forum was asked to provide expert advice and recommendations on indigenous issues to the Council, as well as to programmes, funds and agencies of the United Nations, through the Council; to raise awareness and promote the integration and coordination of activities relating to indigenous issues within the United Nations system; and to prepare and disseminate information on indigenous issues.

2. The first session of the Forum was held in New York from 13 to 24 May 2002. In addition to the members of the Forum, the session was attended by some 900 observers representing Governments, the United Nations system, indigenous peoples organizations and other non-governmental organizations.

3. At its first session the Forum proposed four draft decisions for adoption by the Council, regarding the establishment of the secretariat of the Forum (draft decision I); a request for summary records of its public meetings (draft decision II); the venue and dates for its second session (draft decision III); and the authorization of an informal intersessional meeting of Forum members for the purposes of strategic planning and a three-day pre-sessional meeting of Forum members prior to its second session (draft decision IV).

4. The Forum also identified a number of proposals, objectives, recommendations and areas of possible future action, and through the Council requested States, the United Nations system and intergovernmental organizations, indigenous peoples, the private sector and non-governmental organizations to assist in their realization.[1]

5. The Forum made recommendations on its six substantive mandated areas — economic and social development; culture; the environment; education; health; and human rights. Specific recommendations were also made regarding information-gathering from the United Nations system, children and youth, and the development of a code of conduct for Forum members. The recommendations concerning information-gathering from the United Nations system included communications/interactions with United Nations agencies; additional meetings; data collection; technical seminar; and a triennial report on the state of the world's indigenous peoples. The United Nations system's response to those extensive and broad-ranging recommendations is set out below.

6. The present note provides an overview of action taken in response to the Forum's work at its first session. Additional information received from the United Nations system and by intergovernmental bodies and governments and two non-governmental organizations in consultative status with the Council are provided in separate documents. As of 12 March 2003, information has been received from: Ecuador, Mexico, Finland, Department of Public Information of the United Nations Secretariat, Food and Agriculture Organization of the United Nations (FAO), International Labour Organization (ILO), secretariat of the Convention on Biological Diversity, United Nations Human Settlements Programme (UN-Habitat), United Nations Children's Fund (UNICEF), World Health Organization (WHO), World Intellectual Property Organization (WIPO), Council of Europe, International Indian Treaty Council and Tebtebba Foundation.

II. Action taken by the Economic and Social Council and the General Assembly

7. At its substantive session of 2002, the Economic and Social Council adopted resolution 2002/28, in which it recommended to the General Assembly the adoption of a draft resolution concerning, inter alia, the appointment of a secretariat for the Forum and the establishment of a voluntary fund for the Forum; decision 2002/285 concerning the second session of the Forum; decision 2002/286 regarding the review of United Nations mechanisms concerning indigenous issues; and decision 2002/287 regarding the provision of resources for the secretariat.

8. In October 2003, the Secretary-General received a nomination from the Government of China to fill the outstanding vacancy on the Forum. The candidate, Qin Xiaomei was elected by the Council as the sixteenth member of the Forum on 8 October 2002

9. In its resolution 57/191, the General Assembly, inter alia, requested the Secretary-General to appoint a secretariat unit within the Department of Economic and Social Affairs of the United Nations Secretariat to assist the Forum in carrying out its mandate and to establish a voluntary fund for the Forum for the purpose of funding the implementation of recommendations made by the Forum, through the Council, as well as funding activities under its mandate. The Assembly also encouraged the submission of applications of indigenous persons to the Secretariat, and invited the Secretary-General to give broad publicity to vacancies, when available.

III. Establishment of the secretariat of the Permanent Forum on Indigenous Issues

10. The secretariat of the Forum was established on 27 February 2003 in the Division for Social Policy and Development, Department of Economic and Social Affairs, and was provided with interim staff. The functions of the secretariat are designated in the General Assembly resolution 57/191 and in document A/C.3/57/L.26. Its central function is to provide substantive assistance and support to the Forum in carrying out its mandate. The other functions indicate how that is to be done: coordinating inputs of the United Nations system to the programme of work of the Forum; chairing the intradepartmental task force within the Department of Economic and Social Affairs for the Forum; representing and advocating the policies of the Forum before United Nations policy-making bodies, agencies, programmes and funds; providing support to the Chair of the Inter-Agency Support Group for the Forum; pursuing the integration of indigenous issues within the intergovernmental and inter-agency system; consulting with representatives of United Nations Member States, indigenous organizations, academia and others concerned with a view to implementing the programme of work of the Forum; implementing activities for raising the awareness of indigenous issues among non-governmental organizations, the media, academia and civil society at large; and administering the voluntary fund for the Forum.

11. Since its launch, the secretariat has undertaken a variety of activities, including the establishment of a technical office and infrastructure; liaison with the Chairperson and members of the Forum to prepare the provisional agenda and provisional programme of work of the second session, as well as on other issues; organization of the second session, including the coordination and processing of documentation; provision of liaison between other parts of the United Nations system and the Forum on substantive issues; distribution of information to States, the United Nations system, indigenous peoples organizations, non-governmental organizations and academics regarding the establishment of the secretariat and the second session and to request input to the second session; establishment of a web site to facilitate information exchange and preregistration for future Forum sessions (http://www.un.org/esa/socdev/pfii/); cooperation with the Department of Public Information to initiate press releases and develop a media strategy to publicize the work of the Forum; establishment of the voluntary fund for the Forum; briefings to United Nations Member States on Forum developments and to encourage donations to the voluntary funds; cooperation with the voluntary fund to encourage the sponsoring of indigenous participants in the second session of the Forum; cooperation with various parts of the United Nations system as well as non-governmental organizations and indigenous peoples' organizations to encourage and support broad representation at the upcoming session and parallel events; cooperation with the Inter-Agency Support Group to promote a coordinated substantive response to the report of the Forum on its first session and participation in the meeting of the Group convened by the World Bank (Washington, D.C., 17 and 18 February 2003); participation in the follow-up workshop to the World Summit on Sustainable Development organized by the Office of the United Nations High Commissioner for Human Rights (Washington, D.C., 19 February 2003); participation in an expert seminar on indigenous children organized by UNICEF's Innocenti Research Centre (Florence, 5 to 7 March 2003); and establishment of an intradepartmental task force within the Department of Economic and Social Affairs to help make available to the Forum the relevant expertise of the Department.

IV. Action taken by the United Nations system

A. Inter-Agency Support Group for the Forum

12. The Inter-Agency Support Group for the Forum has held two meetings since the first session of the Forum. The first meeting, convened by the ILO, was held in Geneva on 19 July 2002, with the participation of the Office of the United Nations High Commissioner for Human Rights, WHO, the United Nations Development Programme (UNDP), WIPO, the United Nations Institute for Training and Research (UNITAR), the United Nations Environment Programme (UNEP), the United Nations Educational, Scientific and Cultural Organization (UNESCO) and UNICEF. The Group considered ways to follow up the recommendations and priorities of the Forum. It discussed advances in the recognition of indigenous rights as evidenced by further ratifications of ILO Convention No. 169 on indigenous and tribal peoples; the WHO global plan of action to improve the health of indigenous peoples; the revision of the World Bank Policy on indigenous peoples; the research conducted by WIPO to explore the protection of traditional knowledge; the role of UNITAR in training and briefing of members of the Forum before the first session and further

regional training being conducted by UNITAR for various groups; the UNEP Nordic Saami programme for capacity-building and participation of the indigenous peoples of the Russian Federation in sustainable development; the indigenous fellowship programme of the Office of the United Nations High Commissioner for Human Rights and its collaboration with UNESCO; and the work of UNESCO in promoting cultural diversity through the recently adopted Declaration on Cultural Diversity. UNICEF highlighted its programmes throughout Latin America, which focus on indigenous children as a particularly vulnerable group. The Office of the High Commissioner also highlighted its activities during the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, which included various seminars and workshops, and the work of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples and the integration of indigenous issues in the technical cooperation programme of the Office of the High Commissioner. A number of examples of inter-agency cooperation were promoted, including a workshop on the theme "Indigenous peoples, the private sector, natural resources, energy, mining companies and human rights" organized by the Office of the High Commissioner and the ILO from 5 to 7 December 2001, and a workshop in Botswana on the theme "Multiculturalism in Africa" organized by the Office of the High Commissioner, 18 to 22 February 2002 in Gaborone. Further collaboration was discussed as a good strategy for addressing the recommendations of the Forum.

13. The second meeting of the Group held since the first session of the Forum was convened by the World Bank in Washington, D.C., on 17 and 18 February 2003, with the participation of the secretariat of the Forum, the Department of Economic and Social Affairs, WHO, the Office of the High Commissioner, UNDP, UNICEF, FAO, the ILO and UN-Habitat. At the meeting, ways were discussed to further collaborate in assisting the Forum in the implementation of its mandate, in particular ways of working with the Forum and its secretariat; the critical catalytic roles of the members of the Group within their respective agencies; support for inter-agency focal points; and written contributions to the second session of the Forum. In particular, the Group decided to prepare a common discussion paper on data collection and disaggregation (E/C.19/2003/4), which was coordinated by WHO.

14. At its first session, the Forum requested that the Group expand as broadly as possible, and in particular requested that the Joint United Nations Programme on HIV/AIDS (UNAIDS), UNEP and others be included in its activities. Accordingly, UNAIDS and UNEP were invited to attend Group meetings.

B. Intradepartmental task force

15. The intradepartmental task force held its first meeting on 24 February 2003 to gauge the areas of work and expertise within the Department of Economic and Social Affairs. The Non-Governmental Organizations Unit within the Intergovernmental Policy Branch of the Department's Division for Social Policy and Development has provided extensive support with preregistration, registration and the coordination of parallel events. Other expertise within the Department relevant to the Forum's work includes advice from its secretariat regarding work on traditional forest-related knowledge and expertise on poverty eradication and unemployment, ageing and older person's issues, gender and the advancement of

women, family issues, youth issues, population and demographics, mortality, migration, disability issues, conflict resolution and statistics.

C. Information-gathering

16. In response to the recommendations of the Forum at its first session, its secretariat commenced gathering and collating general materials, including policies, to establish a resource base for Forum members, as well as focused reports of the United Nations system in response to Forum recommendations. The secretariat is collating a biennial calendar of indigenous events which will be available through its web site.

17. The secretariat of the Forum cooperated with the Department of Public Information of the United Nations Secretariat and the Non-Governmental Organizations Committee on the Decade of the World's Indigenous People to organize an NGO briefing on the Forum at United Nations Headquarters on 20 February 2003, with the participation of the Chairperson of the Forum and the Permanent Mission of Mexico to the United Nations. The Forum secretariat also conducted a United Nations radio interview to publicize the Forum. The Department of Public Information though its Strategic Communications Division, is developing a media and communications strategy in consultation with the Forum secretariat. For the first session of the Forum, the Department had prepared daily press releases; arranged press conferences by the Forum; supported indigenous media representatives sponsored by the voluntary fund for the Decade of the World's Indigenous People; assisted in publishing side events and panels; undertaken media outreach; and provided radio, video and photographic coverage. The Department will offer similar support for the second session of the Forum.

18. Within the context of the preparation of its flagship *Report on the World Social Situation* and in order to promote mainstreaming of indigenous issues, the Department of Economic and Social Affairs has decided as a new initiative to include a chapter in the *Report* entitled "Indigenous peoples: vulnerabilities and policy responses: a social perspective". The *Report* will be available to the General Assembly at its fifty-eighth session.

19. As to the recommendation to create a United Nations web site on indigenous issues, the secretariat of the Forum has established a web site which could serve eventually as a web focal point for indigenous issues within the United Nations at http://www.un.org/esa/socdev/pfii/. Links to the web site are continually expanding and currently include links to UNEP, UNESCO, UNITAR, the United Nations Population Fund, UNICEF, FAO, WHO, WIPO, UN-Habitat, the Convention on Biological Diversity, the ILO, the Office of the United Nations High Commissioner for Refugees, UNDP, the World Bank the Department of Public Information and the Office of the United Nations High Commissioner for Human Rights.

20. In further support of that recommendation, the ILO is developing a thematic, interdepartmental ILO web site on indigenous and tribal peoples. It is the intention that this web site will include information on all relevant ILO projects and programmes that concern indigenous and tribal peoples. A web site on the issue has been established by the ILO Costa Rica Office (http://www.oit.or.cr/mdtsanjo/indig/index.htm).

D. Human rights

21. The Forum recommended that the Office of the United Nations High Commissioner for Human Rights implement international and regional human rights training for indigenous peoples in Africa and Asia. The ILO collaborated with the Office of the High Commissioner and UNESCO to implement a human rights training and consultation programme for Pygmy peoples of the Central African region, which was held in Cameroon in November 2002. In addition, the ILO will be implementing a regional training session for indigenous professionals in Asia later in 2003, as well as an international indigenous and tribal peoples fellowship programme from July to September 2003, which will be implemented in close coordination with the indigenous fellowship programme of the Office of the High Commissioner. Information supplied by the Office of the High Commissioner in response to the recommendations of the Forum will appear in a separate pre-sessional document.

22. Since the ILO works at the local, national, regional and international levels on issues pertaining to indigenous and tribal peoples, it has organized specific regional consultations or taken part in several regional activities concerning indigenous and tribal peoples during the past year, and has several subregional or regional activities planned in the forthcoming months (for further information, see E/C.19/2003/6).

E. Economic and social development

23. In its report on its first session noting that it is of the utmost importance to ensure respect for the rights of indigenous peoples in the planning and implementation of economic and social development projects, the Forum requested the ILO to continue to urge ratification of ILO Convention No. 169 concerning indigenous and tribal peoples in independent countries, particularly by African and Asian countries, none of which have ratified it, and to work towards the implementation of the Convention in countries that have already ratified it.

24. The ILO approach in the area of indigenous and tribal peoples falls within two major areas: (a) supervision of the two conventions relating to indigenous and tribal peoples, and (b) technical assistance. The two activities are carried out in a complementary manner. Promotional and supervisory work is under the responsibility of the International Labour Standards Department. Other technical assistance is carried out by a number of different departments, notably the Cooperatives Branch, which is responsible for the INDISCO programme.

25. The ILO has one interregional technical cooperation project whose specific aim is to promote the ratification of ILO Convention No. 169. However, ratification is necessarily a long-term process. Therefore the project to promote ILO policy on indigenous and tribal peoples also aims to promote the application of the principles of the Convention, as well as general awareness of ILO Convention No. 169, in the countries in which it operates. The project operates primarily in Asia and Africa.

26. In addition to the project to promote ILO policy on indigenous and tribal peoples, work to promote ILO Convention No. 169 is also undertaken by several of the ILO field and area offices in various regions, and by the Equality and Employment Branch of the International Labour Standards Department, which hosts the project. In those countries that have already ratified Convention No. 169, there

are two main ways in which the ILO works towards the effective implementation of the Convention.

27. The first is through the ILO regular supervisory machinery, which constitutes an ongoing process of dialogue between the ILO and the Governments concerned, with input from indigenous and tribal peoples. Aside from the regular reporting process, there is also a process whereby claims of non-observance of the Convention by States, in the form of complaints or representations, can be examined. The second way in which the ILO is working towards effective implementation of Convention No. 169 is through technical assistance.

28. FAO noted that its Director-General nominated a focal point for indigenous issues in 2001, in response to the request of the United Nations High Commissioner for Human Rights for the formation of the Inter-Agency Support Group for the Forum. Since then, FAO has established an institutional network to deal with indigenous issues in which each of its technical departments has nominated a focal point to support the activities of the Organization on those matters. FAO is reacting positively to the recommendations and priorities of the Forum. It is an active member of the Group and maintains a substantial portfolio of activities involving indigenous peoples (see E/C.19/2002/2/Add.13). FAO participates in ongoing support for the activities of the Forum and its newly formed secretariat, as evidenced by its participation in the Group meeting (Washington, D.C., 17 and 18 February 2003) and contributions to the United Nations system joint paper on data collection and disaggregation by ethnicity.

F. Environment

29. In response to the Forum's recommendations regarding sustainable development and environment issues, the Forum, represented by Parshuram Tamang and the secretariat of the Forum, attended a follow-up workshop to the World Summit on Sustainable Development, sponsored by the Voluntary Fund for the Decade of the World's Indigenous People and coordinated by the Office of the United Nations High Commissioner for Human Rights, in Washington, D.C., on 19 and 20 February 2003. Further to the recommendations regarding environment and participation of indigenous peoples, the secretariat of the Forum and its Inter-Agency Support Group are working closely with the secretariat of the Convention on Biological Diversity to maximize indigenous participation at relevant biological diversity meetings. The Convention secretariat has also contributed to the indigenous calendar to ensure that biodiversity meetings are well publicized.

Information received from the secretariat of the Convention on Biological Diversity

30. The secretariat of the Convention on Biological Diversity expressed its readiness to participate in the technical workshop recommended by the Forum at its first session, and noted that consultation is taking place with the secretariats of international environmental conventions to explore the possibility to cooperate in order to facilitate collaboration with regard to the participation and involvement of indigenous and local communities in discussions related to environment.

31. At its first session, the Forum requested the United Nations system and related entities, as well as representatives of indigenous peoples and nations, to look into how they can be engaged in environmental and development endeavours. The secretariat of the Convention notes that most of the matters identified in paragraph 29 of the report of the Forum are addressed under article 8 (j) of the Convention and its related provisions, articles 10 (c), 17.2 and 18.4. Article 8 (j) is concerned with the obligations of contracting parties, subject to national legislation, to respect, preserve and maintain the knowledge, innovations and practices of indigenous and local communities relevant to the conservation and sustainable use of biological diversity; the wider application of such knowledge, innovations and practices with the approval of its holders; and the equitable sharing of benefits arising from their utilization.

32. Article 10 (c) requires contracting parties to protect and encourage customary use of biological resources in accordance with traditional cultural practices that are compatible with conservation and sustainable use requirements. Articles 17.2 and 18.4, respectively, call for the exchange of information and technology relevant to the conservation and sustainable use of biological diversity, including indigenous and traditional information and technology.

33. Those requirements are cross-cutting in nature and are therefore to be taken into account in the thematic programmes of the Convention concerning agricultural biological diversity, forest biodiversity, inland water ecosystems, marine and coastal ecosystems, and dry and sub-humid lands, and in the upcoming thematic programme concerning mountain ecosystems. Similarly, article 8 (j) and related provisions also address other cross-cutting areas of the Convention, such as in situ conservation, public education and awareness, access to genetic resources, incentive measures and research and training.

34. To oversee the implementation of article 8 (j) and related provisions, an ad hoc open-ended intersessional working group was established and mandated by decision IV/9 of the Conference of the Parties to the Convention. A two-phase programme of work on article 8 (j), was endorsed by decision V/16 of the Conference of the Parties based on the following elements: participatory mechanisms for indigenous and local communities; status and trends in relation to article 8 (j) and related provisions; traditional cultural practices for conservation and sustainable use; equitable sharing of benefits; exchange and dissemination of information; monitoring elements; and legal elements. Seventeen tasks were identified for the programme of work. The working group has held two meetings, in Seville in March 2000 and in Montreal in February 2002.

35. As to the integration on traditional knowledge and modern science, the Conference of the Parties to the Convention, in the preambles to both decision III/14 and IV/9, recognized that traditional knowledge should be given the same respect as any other form of knowledge in the implementation of the Convention. That recognition is also embedded in principle 11 of the ecosystem approach endorsed by the Conference of the Parties in its decision V/6, which has been adopted as a framework for the analysis and implementation of the objectives of the Convention and in the elaboration and implementation of its various thematic and cross-cutting work programmes.

36. On the matter of the equitable sharing of benefits, in its decision VI/24 A the Conference of the Parties adopted, the Bonn Guidelines on Access to Genetic Resources and Fair and Equitable Sharing of the Benefits Arising out of their Utilization. The Bonn Guidelines make specific reference to articles 8 (j) and 10 (c) and address matters relating to prior informed consent and mutually agreed terms for granting access and benefit sharing. The working group will further elaborate on prior informed approval/consent and equitable sharing of benefits in relation to access and use of traditional knowledge and associated genetic resources.

37. At its sixth and most recent meeting, held at The Hague in April 2002, the Conference of the Parties to the Convention made a number of decisions, most notably decision VI/10, which are relevant to matters raised by the Forum at its first session.

38. In carrying out its mandate, the working group on article 8 (j) is in the process of preparing two sets of draft guidelines for the consideration of the Conference of the Parties at its seventh meeting. The guidelines concern participatory mechanisms for indigenous and local communities, particularly women from such communities, in meetings and work programmes of the Convention, and the conduct of cultural, environmental and social impact assessments regarding development proposed to take place on, or which may impact on, sacred sites and lands and waters traditionally occupied or used by indigenous and local communities.

39. The first phase of the composite report on status and trends regarding the knowledge, innovations and practices of indigenous and local communities relevant to the conservation and sustainable use of biological diversity is currently being undertaken by a team of consultants. The first phase of the report will provide an assessment of the current state of retention of biodiversity-related traditional knowledge in all major ecosystem categories, as well as traditional knowledge of plant genetic resources for food and agriculture, of animals and micro-organisms for food and other purposes, and the status of traditional medicinal knowledge.

40. The working group has undertaken a comprehensive assessment, in collaboration with the WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore, of the effectiveness of existing subnational, national and international instruments, particularly intellectual property rights instruments, that may have implications for the protection of indigenous and local community traditional knowledge, innovations and practices. At its third meeting, to be held in January 2004, the working group will be addressing the issue of sui generis systems for the protection of traditional knowledge, innovations and practices relevant to the conservation and sustainable use of biological diversity for the consideration of the Conference of the Parties to the Convention at its seventh meeting, in 2004. They will address, inter alia, the recognition of relevant customary law, ownership of traditional knowledge, prior informed approval/consent, and equitable sharing of benefits arising from the use of traditional knowledge, as well as institutional and procedural matters, and will provide an analysis of the existing intellectual property mechanisms.

Information received from UNEP

41. UNEP pledged support for the newly established Forum secretariat and stressed that, pursuant to General Assembly resolution 57/191, UNEP will strengthen an interactive dialogue and partnership with the Forum. In recent years,

UNEP has given increased attention to indigenous peoples' rights, as evidenced by the high-level round table on cultural diversity and biological diversity for sustainable development, which was chaired by the President of France, Jacques Chirac, on 3 September 2002 during the World Summit on Sustainable Development in Johannesburg. UNEP also hosted the fourth International Conference of the International Alliance of Indigenous and Tribal Peoples of the Tropical Forests at UNEP in Nairobi in November 2002.

42. UNEP systematically incorporates indigenous peoples' views in its resource management environmental policies and programmes. UNEP activities encompass the establishment of a process to empower indigenous peoples through the adoption of appropriate policies and legal instruments at the national level, advocacy for the recognition of indigenous values, traditional knowledge and practices, as well as capacity-building for indigenous communities based on adaptation and exchange of traditional experience. UNEP has raised awareness of the negative effects of globalization, such as unsustainable mining practices and the building of large dams, and the need to reaffirm indigenous peoples' human rights and land rights. UNEP is committed to encouraging and facilitating the participation of indigenous peoples in global environmental negotiations, including in the UNEP Governing Council/Global Ministerial Environmental Forum. UNEP also holds ad hoc meetings with indigenous peoples at its New York Liaison Office and regional offices and within its Division of Policy Development and Law. UNEP strives to ensure that policy development and programme implementation integrate the concerns of indigenous peoples in a streamlined manner. The UNEP Civil Society/NGO strategy is enlisting the participation of all major groups in consultations and civil society forums that are held, keeping in mind the key role, played by indigenous organizations. During all the civil society events held since 2000, indigenous community representatives have been invited to participate and voice their concerns.

43. Concurrently with the above-mentioned activities, UNEP has undertaken many successful information, advocacy and outreach activities. In its Global 500 Award (for environmental achievement) selection process, special attention is given to nominees from indigenous communities. In the campaign on the environmental dimension of the United Nations Year of Dialogue among Civilizations, UNEP has underlined the current trends undermining cultural diversity of the planet, which erode the rich heritage of indigenous peoples and threaten more than 2,500 languages. UNEP's Millennium Report on the Environment, *Global Environmental Outlook 2000*, devoted a chapter to indigenous populations in the Arctic, and the recent UNEP publication, *New Way Forward: Environmental Law and Sustainable Development*, includes a chapter dedicated to indigenous peoples and the environment. Finally, UNEP's Civil Society and NGO Liaison Unit is liasing with the secretariat of the Forum to prepare and publish a book, *Women and Environment: A Legacy of Knowledge*, in collaboration with indigenous women and grass-roots organizations around the world.

G. Children and youth

44. In consultation with the Chairperson and members of the Forum, the Forum secretariat has worked closely with members and the Inter-Agency Support Group, in particular UNICEF, to ensure that the Forum's priority emphasis on children and

youth is reflected in the agenda of the second session, which includes a high-level panel and dialogue on indigenous children and youth (see E/C.19/2003/1).

45. UNICEF, through its Innocenti Institute in Florence, is preparing a digest on the indigenous child to be issued in mid-2003. In that process, UNICEF has sought the cooperation of the secretariat of the Forum and of Ida Nikolaisen, member of the Forum with portfolio on children and youth. In response to the recommendation of the Forum at its first session, the Office of the United Nations High Commissioner for Human Rights and UNICEF, as well as the Committee on the Rights of the Child, are preparing a day of general discussion on indigenous children at the Committee's September 2003 session, to be held on 19 September 2003 (for information provided by UNICEF, see E/C.19/2003/13).

V. Action taken by regional organizations: Council of Europe

46. The Council of Europe indicated that it follows with great interest the efforts of the United Nations to strengthen the protection of indigenous peoples, and the establishment of the Forum is regarded as a most important step in that respect. The Council noted with pleasure that the Forum has decided to request appropriate regional organizations to provide it with information on how indigenous issues have been addressed in their respective mechanisms for the protection of human rights.

47. Although the Council does not have instruments devoted specifically to the protection of indigenous peoples, its treaties and mechanisms on human rights, in particular those pertaining to the protection of national minorities, are also of clear relevance for indigenous peoples. In that connection, it drew attention to the Framework Convention for the Protection of National Minorities, which entered into force in 1998, has been ratified by 35 States, including a number of countries with indigenous peoples, and ranges from the development of culture to participation in public affairs. The Advisory Committee on National Minorities, a committee comprised of 18 independent experts which gather with the Committee of Ministers, monitors the implementation of the Convention, and has concluded that the recognition of a group of persons as constituting an indigenous people does not exclude persons belonging to that group from benefiting from the protection afforded by the Convention. The Committee has also underlined that the applicability of the Convention does not necessarily mean that authorities should in their domestic legislation and practice use the term "national minority" to describe the group concerned.

48. The Council noted that the protection of indigenous peoples has been a central issue in the context of the monitoring of the implementation of the Convention in the countries concerned. In the context of its country visits, the Committee has met regularly with representatives of indigenous peoples to seek information on their situation (in 2002, the Committee visited Norway, the Russian Federation and Sweden), and in some of its country-specific opinions has drawn attention, inter alia, to the issue of land rights and to the linguistic rights of the Saami. The publicized opinions of the Committee and corresponding resolutions of the Committee of Ministers are available online at www.coe.int/minorities.

49. In addition to the Convention, there are a number of other Council instruments that can benefit indigenous peoples. As to language issues, the European Charter for Regional and Minority Languages and its monitoring mechanism also offer

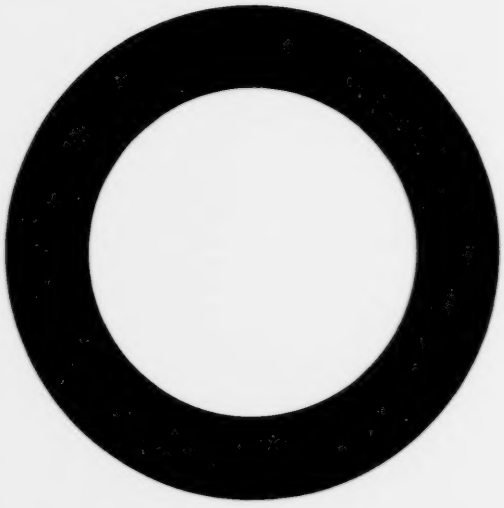
guarantees for the protection of the Saami language. In addition, the European Convention on Human Rights also provides protection for persons belonging to indigenous peoples, and it has recently been strengthened further with the adoption of Protocol 12, which enlarges the non-discrimination guarantees contained therein. In conclusion, the Council noted that the protection of indigenous peoples has also featured in the relevant reports of the European Commission against Racism and Intolerance.

VI. Pre-sessional meeting of the Forum

50. A three-day pre-sessional meeting of the Forum will be held at United Nations Headquarters from 7 to 9 May 2003. The secretariat is consulting with the Chairperson and members of the Forum for the preparation of the pre-sessional meeting.

Notes

[1] See *Official Records of the Economic and Social Council, Supplement No. 23* (E/2002/43/Rev.1 and Rev.1/Corr.1), chap. I, sect. B.



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Information received from the United Nations system

Joint paper on data collection and disaggregation by ethnicity

Summary

At its inaugural session, the Permanent Forum on Indigenous Issues identified the issue of data collection and disaggregation as a topic of primary importance. It was subsequently agreed that the Inter-Agency Support Group for the Permanent Forum on Indigenous Issues would prepare a joint United Nations paper on the topic for discussion at the second session of the Forum.

The present paper is based on discussions held at the Inter-Agency Support Group meeting, 17 and 18 February 2003, Washington, D.C. It is divided into two parts. The first provides an overview of this complex subject, pointing out some key issues relating to the collection and disaggregation of statistics in general throughout the United Nations system, and how these relate to indigenous issues. The second part gives information on how some members of the United Nations system address the question of data collection and disaggregation. To facilitate moving forward, the paper recommends an in-depth discussion with the Forum to clarify the purposes and objectives for which disaggregated statistics are needed. A possible recommendation from the Forum might be to hold an expert consultation on this subject.

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I. Issues concerning data collection and disaggregation

Introduction

1. Data collection and data disaggregation differ in some important respects. Systematic acquisition of national-level data, through population censuses or national health or education surveys, for example, is the responsibility of Governments through national bureaux of statistics and relevant sectoral ministries. The extent to which the statistics from such sources are disaggregated depends on the subject, on the types of source, on the objectives of the sources, and on the practices of different countries. Common uses of official national statistics include policy-making, implementation and evaluation, sectoral resource allocation, monitoring of trends, and targeting programme assistance. Similar uses of such statistics are made at the international level.

2. Beyond government uses, data and information collection, gathering or collation is undertaken at both national and international levels for a wide variety of purposes, and effected through such means as ad hoc surveys, research and compilations from secondary sources including published research findings, and official administrative records, for example, population registers, unemployment records, and hospital and clinic records. The quality and reliability of information from informal as well as formal sources vary widely.

3. A brief indication of the extent to which some members of the United Nations system rely on national data-collection systems, and generate and/or disaggregate statistical information themselves, and a discussion of the main purposes served by data collection and disaggregation, are given in section II of the present paper.

Data collection

4. In general, much of the aggregate statistical information used by the United Nations system is drawn from national data systems, and generally reported on a more or less regular basis. The United Nations *Statistical Yearbook* is one such regular report. Many United Nations programmes and agencies also produce annual reports on themes related to their work that contain a large amount of statistical information. Examples are the *World Development Report* produced by the World Bank, the United Nations Development Programme (UNDP) *Human Development Report*, the World Health Organization (WHO) *World Health Report*, the International Labour Organization (ILO) *World Employment Report* and the United Nations Children's Fund (UNICEF) *State of the World's Children* report. Increasingly, the same statistics are also being made available electronically, on CD-ROMs and through Internet access to databases.

5. A large quantity of information on indigenous issues exists in some parts of the United Nations system, for example, in respect of human rights through the work of the treaty bodies, or through the monitoring work carried out on Conventions Nos. 107[1] and 169[2] by ILO. This information is communicated by Governments, and sometimes by other entities; but, as it is provided in many different forms, it is often not consistent or comparable between countries or over time within countries.[3] Nor can there normally be any independent assurance of data quality and authenticity through these means. This means that high-quality, comparable information on

indigenous issues is lacking in many areas, and this makes it difficult to produce accurate, generalizable statements in support of policies and strategies at the international level.

6. The United Nations Statistics Division indicates that there are three potential sources of data on indigenous populations, namely, censuses, surveys and administrative records. Censuses are large national operations that, for most countries, are carried out every 10 years. They remain the major source of information because of their spatial coverage of the whole country. Surveys are another common method of data collection. If well designed and executed, these can provide reliable and accurate data. Surveys may have an important role to play in the area of indigenous issues, because they are flexible and can cover a subject in greater detail than a census can. The third source is administrative records. Large amounts of statistical information are generated in countries as by-products of administration. Mechanisms for consolidating and compiling such information will have to be worked out, and efforts made to find ways of using data from different sources in a complementary manner.

7. To contribute to the effort of producing quality and reliable data from surveys, the United Nations Statistical Division is producing a handbook on designing household surveys. The subject of indigenous populations can be covered in almost any household survey, whether specialized or multi-purpose, as long as the right questions are included in the survey instruments. This is one reason that there is a need for international and national coordination of activities in this area.

8. The Office of the United Nations High Commissioner for Human Rights (OHCHR) underlines that the indicators on which data collection is based may not always be seen as relevant by indigenous peoples, and do not necessarily allow measurement of issues such as land loss or degree of participation in decision-making.

9. It also points to the need to combine quantitative and qualitative data and information in order to understand the process through which indigenous peoples are excluded from or discriminated against in the development process and/or the enjoyment of their human rights. The Committee on Economic, Social and Cultural Rights has dealt with this point in its efforts to elaborate indicators to measure the right to education (see E/C.12/1998/22). This background paper suggests the presentation of indicators in an information pyramid which starts with aggregated data which are important for monitoring and decision-making and which can be easily compared among countries (paras. 6-7).[4] These quantitative data are then complemented with qualitative data in order that the underlying causes may be understood and the problem in question contextualized. Qualitative information can be derived from programme evaluations or case studies, which allow a variety of actors, such as non-governmental organizations and international agencies, to bring in their experiences. These two important points — relevant indicators and the complementary character of quantitative and qualitative data — should form part of the discussions on data collection of the Permanent Forum on Indigenous Issues.

Data disaggregation

10. Some countries routinely disaggregate national population statistics by ethnicity.[5] Others do not, either for reasons linked to difficulties with definition and

terminology, or because disaggregation on the basis of ethnicity is not legally permitted or politically acceptable, as is the case for some European countries. Most large-scale data reporting exercises, for example, from national to international agencies, do not request disaggregation by ethnicity. Understanding of the fact that appropriate development responses can be achieved only on the basis of accurate, reliable data disaggregated by a number of criteria, including ethnicity, is still incomplete. The reporting requirements of measuring progress towards the Millennium Development Goals may provide an incentive for change at the national level. In addition, it would be important to recommend building the issue of ethnicity into the Poverty Reduction Strategy Paper (PRSP) process in a much more systematic way than is now the case.

National capacity in developed and developing countries

11. In developed countries with indigenous populations, the advanced capacity for data collection, disaggregation and statistical analysis provides fairly clear evidence of discrepancies in socio-economic and health status between different population groups. This is often not possible in developing countries where, in addition to difficulties over terminology and the concept of ethnicity, national infrastructure, capacity and funding for data collection, analysis, and disaggregation are deficient in many sectors. Strengthening national capacity in the area of systematic data collection is a recognized priority for the technical work of many bodies and agencies of the United Nations system. Some are making considerable effort in this area. When improvements in developing-country capacity are achieved, countries will be better placed to identify differentials in the socio-economic and health status of marginalized, vulnerable and ethnic populations, including indigenous peoples.

Reporting on the Millennium Development Goals

12. Most countries of the world, and most United Nations bodies, funds and agencies, are committed to the Millennium Development Goals, which provide a common platform for action around issues of data collection and disaggregation.

13. The Millennium Development Goals reports are global and national reports (including country assessments) whose aims are to monitor progress towards achieving the Goals, to drive political support, and to serve as tools of accountability. The reports make up part of the Millennium Development Goals strategy, which includes a campaign for creating coalitions for advocacy across North and South, and a research initiative to provide a solid intellectual and analytical foundation.

14. Measuring and monitoring the achievement of the goals are a new role for the United Nations in the context of the Millennium Development Goals Global Millennium Campaign. The country assessments, coordinated by United Nations country teams, are key to ensuring the feasibility of the Goals. To be effective as vehicles of political action and accountability, these reports must go beyond averages which, while signalling overall progress, can often be misleading. Average household income, for example, must be disaggregated by gender. If it is not, the figure may not correspond to the lived realities of millions of poor women who have little or no control over money. Similarly, average declines in child mortality can

signal false progress: a 4 per cent decrease in average mortality in children under age 5 in Zimbabwe masked a rise in the number of deaths of children in the poorest fifth of the population. Country Millennium Development Goals reports with disaggregated data, undertaken as a joint enterprise with civil society, scholars and experts, can become invaluable public policy and advocacy documents.

15. Since it has been recognized that there is a need to establish nationally tailored data collection, it is critical to encourage debate at the national level regarding how data are to be obtained vis-à-vis the goals and targets. Disaggregation is therefore in the UNDP agenda; however, pushing for information on indigenous peoples can be difficult owing to political tensions.

Forum requirements

16. To facilitate decisions on how to proceed, it will be helpful for the Forum to clarify further the specific goals and objectives to which data disaggregation is expected to contribute. A detailed discussion on this question during the current session of the Forum may be the best way forward.

17. This discussion could usefully include consideration of the extent to which national reporting exercises in respect of the Millennium Development Goals can contribute to filling data gaps and improving national machinery for data collection. In addition, the discussion could consider whether the country-level Millennium Development Goals reporting system can feasibly include a component in respect of ethnicity. UNICEF is of the opinion that this would be possible. The question what the role of the Forum should be in relation to the Millennium Development Goals might also be addressed.

Conclusion

18. Currently, fairly reliable data are available from most developed countries with indigenous populations, and from some developing countries on some subjects. There is a paucity of reliable national-level data on all topics in many developing countries owing, inter alia to weak national statistical capacity, conceptual differences over the term "indigenous", or inadequate attention to indigenous issues. In some countries, representatives of indigenous populations and government authorities disagree over the accuracy of reported statistics. In both developed and developing countries, research, surveys and other methods of data collection generate a wealth of information of varying degrees of reliability. Some initiatives under way within the United Nations system may help rectify the situation in the medium-to-long term.

19. In sum, it appears that more substantive work may be necessary before definitive recommendations on the subject are made. The goal should be to collect data on indigenous issues that are as complete and reliable as possible. In this regard, a detailed review of the current status of data availability is needed, followed by decisions on strategies for further work.

20. At the level of the United Nations system, there are technical difficulties in relation to quality, comparison, disaggregation and generalness of data; resource difficulties in relation to the size and complexity of addressing this task; political

difficulties linked to the willingness or ability of States to go deeply into the question of data; and uncertainty over the benefits of data-seeking at the global level.

II. Data production and use within the United Nations system

21. A brief overview of how some members of the United Nations system currently produce and use data is given below. It addresses issues such as:

(a) National or international instruments habitually used to collect or obtain data;

(b) The extent to which such data are disaggregated by ethnicity;

(c) Whether independent data are produced by the agency, according to what criteria they are disaggregated, and the extent of their reliability.

Food and Agriculture Organization of the United Nations (FAO)

22. The Food and Agriculture Organization of the United Nations (FAO) collects data that are mainly related to its areas of expertise: sustainable agriculture and rural development, food security, forestry and fisheries. The collection of data at the national level is carried out through FAO technical assistance support to the production of agricultural censuses, or specific statistics on subjects of concern. On a more disaggregated level (regional or local), FAO collects specific data related to project purposes, both through task-oriented field surveys and through available secondary data sources. As indigenous peoples are part of the FAO vulnerable target population, disaggregated data related to this particular group is mainly embedded in the collected data related to vulnerable groups.

23. Currently, FAO has one initiative related to disaggregated data on indigenous populations. The objective of this activity, which is carried out jointly with the International Indian Treaty Council (IITC), is to develop a set of "cultural indicators" or tools for measuring the suitability and appropriateness of agriculture and rural development activities and approaches in the best interests of indigenous peoples. This activity will be carried out in a participatory way, involving consultation and participation of indigenous peoples in the selection and development of the set of cultural indicators.

24. In addition, some FAO projects based in countries and areas with a large indigenous population have some data on the indigenous peoples living in the project area. In particular, technical assistance projects that work on natural resources management, genetic resources, nutrition, food security and land tenure in communal land very often include a description and analysis of the targeted population living in the project area.

International Labour Office

25. Most of the aggregate statistics, for example, on employment, unemployment, hours of work, wages, occupational injuries and strikes and lockouts that the International Labour Office gathers from national Governments are presented on the

web site http://laborsta.ilo.org from which users can print tables or download statistics to electronic spreadsheets. Links to relevant metadata are provided. "Ethnic group" is not among the descriptive variables for which statistics are now requested from countries.

26. Recently, certain ILO programmes have started to archive microdata files from sponsored or commissioned household surveys, namely, the child labour surveys carried out as part of the International Programme on the Elimination of Child Labour (IPEC) and the People Security Surveys (PSS) carried out on the initiative of the InFocus Programme on Socio-Economic Security (IFP/SES). Depending on the specific national circumstances, some of the latter surveys have included a variable for "ethnic group".

27. Beyond the formal statistics-gathering mechanisms, many government reports on the application of conventions (particularly Conventions Nos. 107 and 169 but sometimes also other conventions) include statistical data relevant to the situation of indigenous peoples in their countries. While this information is public, there are at present insufficient resources to compile and publish it.

Office of the United Nations High Commissioner for Human Rights[6]

28. The Office of the United Nations High Commissioner for Human Rights undertakes no systematic statistical surveys in relation to human rights. Data relating to indigenous peoples are received through several mechanisms, in particular as provided by Governments in their reporting to treaty bodies or else by Special Rapporteurs who undertake official country missions.

29. The Working Group on Indigenous Populations is an important focal point in the system where, under its review-of-developments mandate, information on the situation of indigenous peoples worldwide is collected. Non-governmental organizations, indigenous communities, Governments and international agencies contribute with qualitative and quantitative data under this item, but such material would probably not be suitable for comparative analysis.

United Nations Development Programme (UNDP)

30. National and regional Human Development Reports have been produced in over 135 countries. These policy advocacy documents, supported by UNDP, aim to take stock of the human development situation in a country and, through their alternative people-centred analysis and recommendations, to stimulate public debate and the directing of political attention to a nation's most pressing development priorities.

31. One critical feature of human development analysis is examination of trends in the major human development dimensions at the lowest possible levels of disaggregation. Regional and national Human Development Reports have included data disaggregated by ethnic groupings, language groupings, gender, geographical regions (including down to the very local level of municipality), age and many other groupings. Through disaggregated data, both quantitative and qualitative, these reports are able to better identify disparities and pockets of deprivation and

discrimination, and formulate policies to address these constraints on human development progress.

32. National Human Development Reports are both users of data from national statistical offices and other non-governmental sources such as research institutes, and producers of data, especially in the area of qualitative data that attempt to capture peoples' voices concerning in issues involving perceptions and aspirations etc. UNDP, in a number of cases, is supporting this data collection.

33. Some examples include:

(a) **Nepal National Human Development Report, 2001** on poverty reduction and governance. In attempting to analyse underlying structural issues that are hampering the Government's poverty reduction strategies, the report presents data disaggregated by caste and ethnic group in Nepal for health outcome indicators;

(b) **Guatemala National Human Development Report, 2000** entitled *La Fuerza Incluyente del Desarrollo Humano*, focused on issues related to economic, judicial and social exclusion. Key to analysing how various dimensions of exclusion have impeded development in Guatemala were data disaggregated by ethnicity (indigenous and non-indigenous), language spoken, gender, age, and geography;

(c) **Namibia National Human Development Reports**. Since 1996, Namibia has been producing National Human Development Reports, which present both the human development index and the human poverty index disaggregated by language groupings. Through analysis of these data, Namibia is able to identify structural inequities by ethnic group. Such identification has contributed to planning and resource allocation aimed at addressing these inequalities;

(d) **Roma report**. The 2002 *Roma Regional Human Development Report: Avoiding the Dependency Trap* (UNDP, 2002) presents the findings of the first comprehensive quantitative survey of the Roma minority in five Central and Eastern European States (Bulgaria, the Czech Republic, Hungary, Romania and Slovakia), conducted by UNDP and ILO. The report calls for policies in all five countries to address major shortcomings in employment opportunities, access to education and participation in government. It states that, without early efforts at integration, "the human security costs of exclusion will spiral, potentially resulting in political extremism and setbacks to the democratic process".

34. There is a proposal that an Asian regional Human Development Report focusing on indigenous peoples be prepared in the next two to three years.

35. The proposed topic for the global *Human Development Report*, 2004 is "Cultural diversity and human development".

36. As countries begin to systematically benchmark progress towards achievement of the Millennium Development Goals, the disaggregated data prepared for and presented in National Human Development Reports will become increasingly valuable as a means for taking a rights-based approach to the achievement of the Goals. As national averages mask great disparities, National Human Development Reports can provide the data and statistics that help to explain uneven progress in survival and health, knowledge and education, income and standard of living, participation and freedom, and may serve to highlight aspects of political and economic marginalization that could lead to strife if they are not addressed.

United Nations Human Settlements Programme (UN-Habitat)

37. The United Nations Human Settlements Programme (UN-Habitat) has the global mandate to monitor progress towards the implementation of the Habitat Agenda[7] and the Millennium Development Goal on slums (Goal 7, target 11) (see A/56/326, annex), and to monitor and evaluate global urban conditions and trends. In order to do so, UN-Habitat has engaged in producing city-level information in the area of shelter, services, infrastructure, socio-economic development, environmental management and governance, covering the key areas of the Habitat Agenda. In particular, data are collected on housing rights and impediments encountered by particular groups (ethnic or other types of groups) in owning and inheriting land and housing. These data are collected in a global representative sample of cities and compiled in the Global Urban Indicators Database (http://www.unhabitat.org/programmes/guo/).

38. UN-Habitat has recently engaged in carrying out a set of households surveys in order to provide intra-city-level information. The prime interest of UN-Habitat is in disaggregating information by slum and non-slum areas in urban contexts, as well as by sex and age. Locally specific ethnic disaggregation will be considered in forthcoming targeted households surveys in order to reveal the ethnic divide among the urban poor, in slum and non-slum areas, particularly in terms of access to services and security of tenure.

39. The United Nations Housing Rights Programme — which is implemented jointly by UN-Habitat and the Office of the United Nations High Commissioner for Human Rights — is currently undertaking a study on indigenous peoples' right to housing. The study is expected to be completed by the end of 2003.

40. The objective of the study is to identify the current status of, obstacles to and practical solutions for greater protection and promotion of housing rights of indigenous people. Specific attention will be paid to the various elements of the right to adequate housing, such as security of tenure, accessibility, affordability and cultural adequacy, which will be analysed in the context of indigenous people. The principles of equality and non-discrimination will be linked to each of these elements throughout the research. The study will provide a compilation of information, an analysis of the existing situation and a forward-looking perspective on actions at various levels that can contribute to improvements in the lives of indigenous people, particularly indigenous women.

41. During the course of the study, available disaggregated statistical data on indigenous peoples and related information will be compiled and analysed vis-à-vis the rest of the population to provide an overall picture on the discrimination/exclusion confronted by indigenous peoples.

United Nations Children's Fund (UNICEF)

42. UNICEF is very active in the collection of data, both at the national and at the international level. At the international level, the Multiple Indicator Cluster Survey (MICS) enables UNICEF to collect independent data through questionnaires given to a representative sample of the population in a given country. The purpose of such data has been to evaluate achievements made with regard to the goals set forth at the World Summit for Children in 1990, and will now concentrate on reporting progress

on commitments made at the special session of the General Assembly on children held in 2002. Data focus on health, nutrition, maternal health, human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS), water and sanitation, education and other child rights. At the national level, UNICEF country offices support national authorities, in particular ministries of health, education and family affairs, in the collection of data with a view to analysing the country situation and informing the design and implementation of policies. Other data sources include WHO, the United Nations Educational, Scientific and Cultural Organization (UNESCO), the World Bank, the Demographic and Health Survey (DHS) etc. The results of data collection and analysis are widely published and shared with counterparts and gathered every year in the *State of the World's Children* report (see http://www.childinfo.org).

43. While data are generally disaggregated by age, gender, rural or urban residence, family size and household wealth status, it has not so far been disaggregated by ethnicity or indigenous origin. Future rounds of the MICS, the DHS and other surveys could possibly include a question on ethnicity which would assist disaggregation of data on this criterion.

Department of Economic and Social Affairs of the United Nations Secretariat: United Nations Statistics Division

44. The United Nations Statistics Division has basic statistics on ethnicity which in 1993 were published in the *Demographic Yearbook*. This information was disaggregated by sex. There are plans to publish information on ethnicity in 2004. In addition, the Division will shortly be acquiring a statistician who will concentrate on work related to indigenous populations and related issues. The work will involve review of data collection in this area, concepts, definitions, and evaluation of data sources with commentaries on comparability. The Division intends to assemble and review metadata from countries and develop statistical profiles. As indicated earlier in this paper, the Division is producing a handbook on designing household surveys. For more extensive information on the Division, please refer to its web site (http://unstats.un.org/unsd/). It provides information on various statistical issues that may be relevant to ethnicity.

World Health Organization (WHO)

45. Until recently, WHO relied primarily on national health survey statistics reported annually by member States. This aggregate data supplied, inter alia, the vital statistics published in the *United Nations Statistical Yearbook*. WHO is now producing an independent health survey instrument to facilitate the production of comparable health statistics worldwide. The survey instrument, which includes questions on ethnic origin and mother tongue(s), comprises a number of core components, to which others can be added according to the health profile and demographic composition of the user country. Interested member States could, for example, request the addition of a component to address issues of health and ethnicity.

46. Other major sources of data within WHO are derived from major research programmes such as that on reproductive health, and from the UNDP/World

Bank/WHO Special Programme for Research and Training in Tropical Diseases. Depending on geographical location, individual studies may address questions of ethnicity. The most common criteria by which data are disaggregated in research supported by WHO are age, sex, educational level, rural/urban residence, and income.

Pan American Health Organization (PAHO)

47. A considerable amount of statistical information is available in the country health profiles that the Pan American Health Organization (PAHO) has built up for countries of its region. These comprise information from the Core Health Data System, last updated in 2001. The profiles cover the following: socio-economic, political and demographic overview; mortality profile; analysis by population group; communicable diseases; non-communicable diseases and other health-related problems; national health plans and policies; organization of health services; research and technology; surveillance and data systems; expenditures and sectoral financing; and technical and financial external cooperation. Particular emphasis is placed on infant, maternal and perinatal mortality. See http://www.paho.org for further details.

Notes

[1] Convention concerning the Protection and Integration of Indigenous and Other Tribal and Semi-Tribal Populations in Independent Countries (No. 107) (see International Labour Organization, *International Labour Conventions and Recommendations* (Geneva, International Labour Office, 1996), vol. III).

[2] Convention concerning Indigenous and Tribal Peoples in Independent Countries (No. 169) (see International Labour Organization, *International Labour Conventions and Recommendations* (Geneva, International Labour Office, 1996), vol. III).

[3] Given the definitional issues in relation to indigenous peoples, which countries approach in different ways, international comparisons may not necessarily be meaningful.

[4] This is the case if common measurement criteria have been used across all countries.

[5] In 2001, WHO ascertained that the following countries routinely disaggregate national population statistics by ethnicity: Argentina, Australia, Bangladesh, Belize, Bolivia, Brazil, Canada, Greenland, Guatemala, Guyana, Honduras, India, Lao People's Democratic Republic, Malaysia, Mexico, Nepal, New Zealand, Paraguay, Peru, Russian Federation, South Africa, United States of America and Viet Nam. This should not be considered an exhaustive list: other countries, from which information could not be obtained at that time, may also routinely disaggregate population data by ethnicity.

[6] Note based on a discussion with Grace Bediako, United Nations Statistics Division, 13 February 2003.

[7] *Report of the United Nations Conference on Human Settlements (Habitat II), Istanbul, 3-14 June 1996* (United Nations publication, Sales No. E.97.IV.6), chap. I, resolution 1, annex II.

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Information received from the United Nations system

United Nations Institute for Training and Research

Summary

The present report has been prepared by the United Nations Institute for Training and Research (UNITAR) in response to the recommendations made by the Permanent Forum on Indigenous Issues that fall within the mandate of UNITAR, including information-gathering, support for Forum members, communications and interactions within the United Nations system, training and capacity-building, conflict resolution and peace-building, data collection and human rights.

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I. Information-gathering from the United Nations system

> "Provide information to the Permanent Forum on Indigenous Issues at its second session on their activities relating to indigenous peoples"[1]

1. The United Nations Institute for Training and Research (UNITAR) was established in 1965 as an autonomous body within the United Nations with the purpose of enhancing the effectiveness of the United Nations through appropriate training and research. UNITAR is governed by a Board of Trustees and is headed by an Executive Director. The Institute is supported by voluntary contributions from Governments, intergovernmental organizations, foundations and other non-governmental sources.

2. UNITAR manages a number of programmes, and the training activities that deal directly with indigenous peoples' representatives are part of the programme in peacemaking and preventive diplomacy.

UNITAR programme in peacemaking and preventive diplomacy

3. The UNITAR programme in peacemaking and preventive diplomacy was initiated in 1993 to enhance the effectiveness of the United Nation's efforts in conflict prevention and resolution. Since then, the programme has expanded to provide a range of research and training involving mid- and senior-level United Nations staff, diplomats, minority and indigenous peoples' representatives, and civil society and military personnel.

Training programme to enhance the conflict prevention and peace-building capacities of minority and indigenous peoples' representatives

4. Based on the requests of indigenous peoples' representatives at consultations in Geneva and the recommendations of several special rapporteurs, a programme was developed to provide advanced training in conflict analysis and negotiation to key representatives of minority and indigenous peoples. The programme adopts a problem-solving negotiation approach to strengthen participants' capacity to more effectively negotiate to have their needs met, and at the same time promote constructive relationships between members of their communities and those in the dominant community. Indigenous and minority experts, as well as other specialists, including the Special Rapporteur on the human rights and fundamental freedoms of indigenous peoples and representatives of regional organizations, serve as resource persons for the training programme. The international training programme is conducted annually, concurrently with meetings of the Working Group on Indigenous Populations and the Subcommission on the Promotion and Protection of Human Rights, which are held at the United Nations Office at Geneva. A regional training programme is also conducted in a different part of the world each year.

5. The first international programme, which was held in August 2000 in Geneva, was enthusiastically received by minority and indigenous peoples' representatives, who strongly encouraged that the programme be held annually, both in Geneva and at the regional level, to enable their colleagues around the world the opportunity to strengthen their skills in negotiation and the peaceful resolution of conflict. A second Geneva training programme was held in 2001. The 2003 international programme is similarly being planned concurrently with the meeting of the Working

Group on Indigenous Populations. The Geneva programme works with the United Nations Volunteers and other organizations to identify individuals participating in the Working Group who could best contribute to and benefit from the training programme, which is conducted in English.

6. The first UNITAR regional training programme to enhance the conflict resolution and peace-building capacities of indigenous peoples' representatives of the Americas, was held in Mexico City in December 2001; the training was conducted in Spanish and English. The next regional training programme is planned for spring 2003 in the Asia and Pacific region.

7. UNITAR held a seminar in New York from 6 to 10 May 2002 for members of the Forum. The seminar had been requested by indigenous members of the Forum who had participated in previous UNITAR training programmes as participants, resource persons or funders, and 13 of the 15 appointed members of the Forum participated. The seminar helped prepare members for their important mandate and the historic first session of the Forum. Representatives of 14 United Nations agencies, funds and programmes and of the United Nations Secretariat and the Office of the United Nations High Commissioner for Human Rights, as well as the Special Rapporteur on the human rights and fundamental freedoms of indigenous peoples, engaged in briefing and dialogue sessions with the members.

8. The programme has been funded by the Governments of Canada, Denmark, Germany, Norway, Sweden and Switzerland. UNITAR receives no funding from the regular United Nations budget and must raise all of the funding for its programmes and staff from Governments and foundations.

II. Communications/interactions with United Nations agencies

> "To improve communications and interactions with United Nations agencies, the Forum requests that the United Nations system establish Internet access, including a web site, for the use of members of the Forum"[2]

9. Once the web page is established, UNITAR will link its web page on training activities involving indigenous peoples to the Forum web page.

> "Provide, in particular United Nations country offices, as required and as available, facilities for and services to members of the Forum in their respective area of residence and while on official missions"[3]

10. Although UNITAR has no country offices, the UNITAR Hiroshima Programmes office is expected to open in spring 2003 in Hiroshima. Forum members who are on mission in the area would be welcome to use those facilities.

> "Fund a programme of visits for members of the Forum to participate in relevant meetings, as agreed to by the members"[4]

11. Although UNITAR does not have funds for meetings outside of its activities related to indigenous peoples, members of the Forum are invited to serve as resource persons for the UNITAR training programme to enhance the conflict prevention and peace-building capacities of minority and indigenous peoples' representatives. The two indigenous members of the Forum from the Asia and Pacific region have been invited to hold a dialogue session as well as speak on their respective substantive areas (health and the environment) at the Asia and Pacific regional training

programme planned for spring 2003. A Forum member will similarly be invited to address all future training programmes.

III. Additional meetings

> "The Forum requests the United Nations system to organize regional consultations over the next three years between United Nations agencies, Governments, indigenous peoples and members of the Forum"[5]

12. As noted above, although UNITAR does not have separate funds to contribute to Members attending regional meetings, at all future UNITAR regional training programmes with indigenous peoples, a member or members of the Forum from that region will be invited to serve as resource persons and hold dialogue sessions on key issues and priorities. Similarly, the Special Rapporteur on the human rights and fundamental freedoms of indigenous peoples' is always invited to serve as a resource person and has contributed to every UNITAR programme and meeting related to indigenous peoples since his appointment.

IV. Data collection

> "The Forum invites United Nations system organizations, including field offices, as well as special rapporteurs and States, to begin to disaggregate data on indigenous peoples generally and indigenous woman and children specifically in two categories, covering (i) programmes and services impacting indigenous peoples, and (ii) fiscal allocations for indigenous people's programmes and services, and to transmit that data to the Forum on an annual basis"[6]

13. Data on the gender of indigenous participants to date in UNITAR training programmes and seminars has been provided to the secretariat.

V. Health and the United Nations system

14. The Forum member from the Pacific region, who has a substantive focus on the issue of health, has been invited to address participants in a UNITAR training programme to be held in the Asia and Pacific region in spring 2003.

VI. Human rights

> "The Forum requests appropriate regional organizations to provide it with information on how indigenous issues have been addressed in their respective mechanisms for the protection of human rights"[7]

15. Regional organization members are invited to serve as resource persons in UNITAR training programmes for indigenous peoples' representatives to look at mechanisms for the promotion and protection of human rights and to promote dialogue between States and indigenous peoples. To date, representatives of the Organization of American States, the Organization for Security and Cooperation in Europe (OSCE) Office of the High Commissioner on National Minorities, and the

OSCE Office of Democratic Institutions and Human Rights have participated. A counsellor of the Greenland Home Rule Government also conducted a session on a subregional organization, on the theme, "The Arctic Council and its permanent participants: securing indigenous participation in regional intergovernmental cooperation between States".

> "The Forum proposes the organization of a technical seminar with members of the Forum, the members of the Working Group on Indigenous Populations and the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples in order to ensure that those United Nations bodies can efficiently interface in their undertaking and to avoid duplication"[8]

16. To complement any technical seminar that is organized as recommended above, the Special Rapporteur has been and Forum members will be invited to all future UNITAR training programmes for indigenous peoples' representatives. The Special Rapporteur and Forum members held a dialogue session at the seminar held for members of the Forum in 2002, and will have regular opportunities for interaction at future training programmes.

> "The Forum requests the Secretary-General to provide necessary financial assistance to two members of the Forum to participate in the twentieth session of the Working Group on Indigenous Populations and the working group of the Commission on Human Rights to elaborate a draft declaration"[9]

17. Although UNITAR held a Forum in 2002 in lieu of the annual Geneva training programme, Forum members who attend future meetings of the Working Group on Indigenous Populations will be invited to serve as resource persons to address the UNITAR international training programme for minority and indigenous peoples' representatives, which is held immediately after the meeting of the Working Group in Geneva. Their accommodation and meals would be covered for the extension of their stay in Geneva after the Working Group meeting.

> "The Forum recommends that the Office of the United Nations High Commissioner for Human Rights organize activities with indigenous peoples in Africa and Asia with a view to providing international and regional human rights training for indigenous peoples"[10]

18. UNITAR is complementing the human rights training programmes of the Office of the High Commissioner, through its international and regional training programmes on conflict prevention and peace-building. UNITAR training programmes, while focusing primarily on conflict analysis and interest-based negotiation, also consider human rights mechanisms and conventions relating to indigenous peoples, and provide relevant information for participants who have primarily used a rights-based approach to negotiation. The UNITAR regional training programme will be held in Asia in 2003 and in Africa in 2004.

VII. Environment

19. The Forum member from Asia, whose substantive focus is on the environment, has been invited to address participants in a UNITAR training programme to be held in the Asia and Pacific region in spring 2003. Such programmes include one or two sessions on conflict and development, dealing with land and resource issues since those are key issues of conflict faced by indigenous peoples and States.

VIII. Children and youth

20. Forum members who serve as resource persons for UNITAR annual regional and international training programmes for indigenous peoples will be invited to engage participants in a dialogue on the situation of indigenous children and youth and to solicit recommendations for action at the local, regional and international levels.

* * *

21. UNITAR looks forward to ongoing collaboration with the members of the Forum and its secretariat to support this important mandate.

Notes

[1] See *Official Records of the Economic and Social Council, 2002, Supplement No. 23* (E/2002/43/Rev.1 and Rev.1/Corr.1), chap. I, sect. B, para. 3 (a).

[2] Ibid., para. 4 (a).

[3] Ibid., para. 4 (b).

[4] Ibid., para. 4 (d).

[5] Ibid., para. 5.

[6] Ibid., para. 6 (a).

[7] Ibid., para. 16.

[8] Ibid., para. 17.

[9] Ibid., para. 21.

[10] Ibid., para. 24 (a).

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International Labour Organization

Executive summary

The International Labour Organization (ILO) has been working with indigenous peoples since the 1920s. The ILO Convention concerning Indigenous and Tribal Peoples in Independent Countries, 1989 (No. 169), has been ratified by 17 countries and is internationally recognized as the foremost instrument on the subject. The work of ILO in the field of indigenous and tribal peoples falls into two categories: supervision of relevant ILO conventions, and technical cooperation. The present document provides a summary of the most notable developments within the past year in these two areas. This includes details of observations of the supervisory bodies of ILO in respect of the ILO Convention concerning the Protection and Integration of Indigenous and Other Tribal and Semi-Tribal Populations in Independent Countries, 1957 (No. 107) and Convention No. 169, and details of recent developments in ILO projects and programmes that address indigenous and tribal peoples both directly and indirectly.

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Introduction

1. The International Labour Organization (ILO) has been working with indigenous peoples since the 1920s, aiming to promote social justice, and to improve their living and working conditions. The ILO Convention concerning Indigenous and Tribal Peoples in Independent Countries, 1989 (No. 169),[1] has been ratified by 17 countries[2] and is internationally recognized as the foremost instrument on the subject.[3] A number of other ILO standards are of relevance to indigenous and tribal peoples. These include, but are not limited to: the Convention concerning Forced or Compulsory Labour, 1930 (No. 29);[4] the Convention concerning Discrimination in Respect of Employment and Occupation, 1958 (No. 111)[5] and the Worst Forms of Child Labour Convention, 1999 (No. 182);[6] and the Declaration on Fundamental Principles and Rights at Work, 1998.[7] Many ILO technical cooperation projects and programmes also address issues pertaining to indigenous and tribal peoples. The work of ILO in the specific field of indigenous and tribal peoples falls into two categories:

(a) Supervision of Conventions Nos. 107 and 169;

(b) Technical cooperation.

I. Supervision of Conventions Nos. 107 and 169

A. Committee of Experts on the Application of Conventions and Recommendations

2. Article 22 of the ILO Constitution requires member States to submit periodic reports to the International Labour Office on the measures taken to give effect to the provisions of ratified conventions. The Committee of Experts on the Application of Conventions and Recommendations, a body of 20 independent experts, examines the application of ILO conventions — including Conventions Nos. 107 and 169 — on a regular basis. Its comments take the form of observations or direct requests. At the Committee's seventy-second session (November-December 2001), the reports of a number of States were examined. The following is a brief summary of the content of the Committee's observations (further details can be found in the ILOLEX database at http://www.ilo.org).[8]

1. Convention No. 107

3. In addition to its observation concerning Bangladesh (below), requests regarding certain points were addressed directly to Angola and Malawi.

Bangladesh

4. Making reference to the armed conflict that had taken place in the Chittagong Hill Tracts (CHT) region of the country, and to the Peace Agreement signed on 2 December 1997, the Committee noted the detailed information it had received on the implementation of the Agreement. While the Committee welcomed the Agreement, it was aware that controversy remained over the slow progress of its implementation. The Committee noted the establishment of a number of bodies concerned with the implementation of the Agreement, and requested the

Government to keep it informed of the progressive transfer of responsibility to tribal leaders in the CHT.

5. The Committee noted the constitution of a Land Commission to resolve land disputes within the CHT. It noted with regret that the Commission had not yet begun functioning. The Committee also referred to a situation regarding the cancellation of the lease agreements of non-tribals who had failed to use lands for the purpose for which those lands had been allotted to them, and noted that a situation involving the rehabilitation of 3,000 landless tribal families had not been resolved.

6. The Committee also noted the remark in the Government's report concerning the encouragement of a kind of shifting/swidden or *jhum* agriculture, which, the Government indicates, is less environmentally damaging than other *jhum* methods. The Committee requested further information in this regard.

2. Convention No. 169

7. In addition to its observations concerning Denmark, Guatemala and Mexico (see below), requests regarding certain points were also addressed directly to these three States.

Denmark

8. The Committee noted that the Government's second report on the Convention had not been received. It therefore repeated its previous observation, in which it had asked for additional information on a number of points in a request addressed directly to the Government.

Guatemala

9. The Committee took note with interest of the second report of the Government of Guatemala, noting that the Government had offered little additional information, since a referendum on Constitutional reforms had been rejected by popular vote in May 1999, on the measures taken since then to implement the Convention and the Peace Agreements. The Committee drew attention to additional sources of information available regarding the implementation of the Peace Agreements, including various reports of the United Nations Verification Mission in Guatemala. Taken together, these sources indicate that considerable problems remain in respect of the implementation of the Peace Agreements, and the Convention. The Committee recalled that ratification of Convention No. 169 was one element in the settlement of the internal conflict in the country. It urged the Government to renew efforts to overcome difficulties in the application of the Peace Agreements, and the Convention.

Mexico

10. The Committee noted the detailed report provided by the Government. It also noted that, at its 282nd Session (November 2001), the Governing Body had declared receivable two representations under article 24 of the ILO Constitution, alleging non-observance of the Convention by Mexico. The Committee also referred to legislative initiatives adopted, particularly the constitutional reforms on indigenous questions. These reforms have generated much controversy, and some sections of Mexican society, including indigenous and workers' organizations, have expressed

concern that they will have a negative impact on the social, economic and legal situation of the indigenous peoples of Mexico. The Committee has examined the constitutional reforms in more detail in a direct request to the Government.

B. Representations made in respect of Convention No. 169

11. Representations under article 23 of the ILO Constitution may be made by employers' and workers' organizations that claim that a State has failed to observe a ratified Convention. A tripartite committee of the Governing Body is set up to examine the matter. Reports of committees set up to examine representations that have so far been concluded can be found in the ILOLEX database (http://www.ilo.org).

12. At its 282nd Session (November 2001), the ILO Governing Body declared receivable two Representations filed with ILO in respect of the application by Mexico of Convention No. 169. A third was declared receivable at the March 2002 (283rd) Session. These are being examined by a committee of the Governing Body, and others have now been received.

II. Technical cooperation

13. The following is a summary of the main ILO technical cooperation activities of relevance to indigenous and tribal peoples that have been undertaken during the past year.

A. Project to Promote ILO Policy on Indigenous and Tribal Peoples

14. The Project to Promote ILO Policy on Indigenous and Tribal Peoples works at the policy level. It promotes the application of the principles of Convention No. 169 and provides assistance in the development of policies and legislation that address the particular needs of indigenous peoples. The Project began in 1996, and is financed by the Danish Agency for Development Assistance (DANIDA). It is based in the Equality and Employment Branch of ILO. The principal geographical focus of the project is on Africa, and South and South-East Asia. The following is a summary of the Project's main activities during 2002.

1. Asia

15. In **Cambodia**, a national seminar to inform government officials/agencies about the different policies and programmes of the various international agencies was held in April 2002, in collaboration with the Governmental Inter-Ministerial Committee on Highland Peoples Development (IMC). In **India**, a seminar will be organized to further discuss relevant policies and programmes, as well as particular concerns on Convention No. 169. In addition, a separate session with indigenous and tribal peoples to enable them to present their particular concerns has been suggested. In **Malaysia**, a national seminar on the rights of indigenous peoples was held during August 2002, with the participation of the Human Rights Commission of Malaysia. In the **Philippines**, a one-year research project has just been completed. This analysed the legal framework for the protection of indigenous peoples' rights in

the Philippines and its implementation. Recommendations from this study will be followed up in 2003. At the **regional level**, a training session for indigenous professionals from South and South-East Asia on Convention No. 169 and other relevant international standards will be held in August 2003.

2. Africa

16. In collaboration with the Office of the United Nations High Commissioner for Human Rights and the United Nations Educational, Scientific and Cultural Organization (UNESCO), ILO participated in a human rights training session for "pygmies" from six different countries in **Central Africa** in November 2002. Further to the training, two major activities in the region have been initiated by the Project. In **Kenya**, following a national workshop in 2001 to facilitate the coordination of the collection and elaboration of a position paper for pastoralists and hunter-gatherers in Kenya, a working group of pastoralists and hunter-gatherers, representative of all the main groups in Kenya, was formed to coordinate efforts. A common position paper was elaborated and presented in a second national workshop in 2002. Important elements of the paper have been incorporated into the new draft constitution.

3. Latin America

17. In **Argentina**, the Project is supporting an initiative aimed at the promotion of Convention No. 169, in collaboration with the University of Buenos Aires and ACCESOS.

B. International Labour Organization (ILO) Interregional Programme to Support Self-Reliance of Indigenous and Tribal Peoples through Cooperatives and other Self-Help Organizations (INDISCO)

18. The Interregional Programme to Support Self-Reliance of Indigenous and Tribal Peoples through Cooperatives and other Self-Help Organizations (INDISCO) was launched in 1993 under a DANIDA/ILO Framework Agreement. The objective of the programme is to contribute to the improvement of the socio-economic conditions of indigenous and tribal peoples through demonstrative pilot projects and dissemination of best practices for policy improvement. Various projects and activities are funded by donors such as DANIDA, the Netherlands, the Canadian International Development Agency (CIDA), the Arab Gulf Programme for United Nations Development Organizations (AGFUND), the United Nations Development Programme (UNDP), the United Nations Volunteers (UNV), the World Food Programme (WFP), Rabobank, the Philippine International Association, the Australian Government's overseas aid program (AUSAID), Deutsche Gesellschaft für Technische Zusammenarbeil (GTZ) and Internationale Weiterbildung und Entwicklung gemeinnützige GmbH (InWEnt).

1. Asia

19. Following five pilot projects in **India**, INDISCO now has an expanded project that aims at contributing to the socio-economic empowerment of tribal people through a cluster-level approach to job-creation, and strengthening of tribal

organizations. As a follow-up to the joint INDISCO-In Focus Programme on Crisis Response and Reconstruction (IFP/CRISIS) study entitled *Coping Strategies and Early Warning Systems of Tribal People in India in the Face of Natural Disasters: Case Studies in Mayurbhanj, Orissa and Dungarpur, Rajasthan, India*,[9] a national workshop was held, in which the recommendations of the study were disseminated and discussed. In a similar workshop, the INDISCO study on tribal cooperatives in India was presented and discussed for follow-up. At the national level, INDISCO continues to work with the Ministry of Tribal Affairs.

20. With funding from UNDP, a Support for Policy and Programme Development (SPPD) project aimed at full implementation of the Indigenous Peoples' Rights Act (IPRA) in the **Philippines** was carried out in partnership with the National Commission on Indigenous Peoples (NCIP). Case studies on best practices by indigenous peoples and on the resolution of issues concerning the rights of the indigenous peoples were also undertaken. The results of these activities are now being used as inputs by NCIP in the formulation of its medium-term action programme and financial plan.

21. Based on a study on the socio-economic vulnerability of urban-based tribal peoples in northern **Thailand**, a pilot project on tribal peoples' community-driven approaches to human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS) prevention is being discussed by donors for funding. In **Viet Nam**, a pilot project among ethnic minority communities generated alternative non-farm small businesses. These minorities continue to manage the revolving loan funds and plan/implement their own development and income-generating activities.

22. In connection with the International Year of Mountains, a Regional Workshop on Indigenous Practices of Sustainable Land and Resource Management in the Asian Highlands was held in Chiang Mai, Thailand, in December 2002, gathering a range of key stakeholders from the region.

2. Africa

23. Baka communities in **Cameroon** have been supported with respect to establishing their own self-help organization, and a project, with funding from the ILO Jobs for Africa programme, is being implemented with the pygmies. A study on the traditional livelihoods and new employment opportunities among the pygmies has been printed and disseminated. In **the United Republic of Tanzania**, a study on Challenges to Traditional Livelihoods and Newly Emerging Employment Patterns of Pastoralists in the United Republic of Tanzania has been finalized and disseminated for policy improvement and follow-up action.

C. Central American regional project

24. The project on Legal Empowerment of Indigenous Peoples in Central America was an ILO undertaking, funded by the United Nations Fund for International Partnerships (UNFIP), and executed by ILO (launch date: June 1999). It had a subregional focus with originally a geographical coverage including Belize, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama. The development objective of the project was to strengthen the capacity of indigenous peoples and their organizations to secure and defend their legitimate rights within the framework of national legal systems. Further information can be found at http://www.oit.or.cr/unfip. The project has recently been completed.

D. In Focus Programme to Promote the ILO Declaration on Fundamental Principles and Rights at Work (DECLARATION)

25. During 2002, The In Focus Programme to Promote the ILO Declaration on Fundamental Principles and Rights at Work (DECLARATION) prepared the ILO Global Report on the Elimination of Discrimination in Employment and Occupation. The subject of indigenous and tribal peoples constitutes an integral component of this report, in particular with regard to the issues of racial discrimination and poverty that it addresses.

26. The DECLARATION Special Action Programme to Combat Forced Labour (SAP-FL) had selected, after extensive consultations, the question of forced labour and its linkages to discrimination, poverty and indigenous peoples as a thematic priority in Latin America. Workshops, bringing together government officials, other policy makers and analysts, and human rights and development organizations, were conducted in Central America and the Andes during 2002. Consideration is being given to a major regional project on forced labour, discrimination and indigenous peoples in seasonal labour markets.

E. Network for sustainable tourism development with indigenous and rural communities in Latin America (REDTURS)

27. As a result of the new trends in global tourism, indigenous and rural communities in Latin America are facing pressures on their natural, cultural and social resources. The aim of the Network for sustainable tourism development with indigenous and rural communities in Latin America (REDTURS) is to introduce the concept of sustainable development into the tourism sector, linking the objective of economic efficiency with social equity, respect for local cultures, community participation and natural resource preservation.

28. REDTURS has just completed its first phase, under which it carried out 19 case studies in Bolivia, Ecuador and Peru, and produced a working paper on the relevance of grass-roots initiatives in tourism to new opportunities and benefits for the rural poor. The project has also implemented three national workshops and an international seminar to share knowledge and experiences. For its second phase, the strategy of REDTURS is to expand/speed up the provision of innovative business development services (BDS) to rural communities, and the Network plans to implement a training programme to improve the technical and managerial skills of micro, small and community operators. Cuba, Guatemala and Nicaragua will be the first countries to benefit from technical advice aimed at helping communities to establish and operate micro and small enterprises.

F. International Programme on the Elimination of Child Labour (IPEC)

29. The International Programme on the Elimination of Child Labour (IPEC) is strengthening its work agenda so as to be able to address the needs of indigenous and tribal children. Ongoing technical cooperation activities in various countries address their needs. These needs involve addressing such issues as trafficking in the Mekong region, bonded labour in Nepal and bilingual education in Latin America.

30. At the international level, joint work with the INDISCO programme has taken place in the Philippines. The education unit of IPEC has also conducted (jointly with INDISCO) a review study on child labour and education challenges.

III. Inter-agency collaboration

31. ILO has been actively involved in continuing inter-agency support to the Permanent Forum on Indigenous Issues. In this respect, a number of meetings were held during 2002, with the members of the Forum themselves, as well as among the United Nations agencies. Other instances of inter-agency collaboration have been achieved within the context of country and regional activities, which were outlined above, through summaries of individual projects and programmes.

Notes

[1] See ILO, *International Labour Conventions and Recommendations, 1977-1995*, vol. III (Geneva, International Labour Office, 1996).

[2] Argentina, Bolivia, Brazil, Colombia, Costa Rica, Denmark, Dominica, Ecuador, Fiji, Guatemala, Honduras, Mexico, Netherlands, Norway, Paraguay, Peru and Venezuela.

[3] Its predecessor, the Convention concerning the Protection and Integration of Indigenous and Other Tribal and Semi-Tribal Populations in Independent Countries, 1957 (No. 107) (see International Labour Organization, *International Labour Conventions and Recommendations, 1952-1976*; vol. II (Geneva, International Labour Office, 1996)) is still in force in those countries that ratified it, but not Convention No. 169. However, it is no longer open for new ratifications.

[4] See International Labour Organization, *International Labour Conventions and Recommendations, 1919-1951*, vol. I (Geneva, International Labour Office, 1996).

[5] Ibid., vol. II.

[6] http://ilolex.ilo.ch:1567/cgi-lex/convde.pl?C182. Accessed on 17 March 2003.

[7] http://www.ilo.org/public/english/standards/ded/declaration/text/. Accessed on 17 March 2003.

[8] Comments from the 2002 session appeared after this document was prepared. For the latest comments, see the ILOLEX database.

[9] D. Sharma, ed. (New Delhi, International Labour Office, October 2001).

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World Health Organization

Summary

The purpose of the present paper is to share information on various aspects of the work of the World Health Organization (WHO) which may be of interest and relevance to the Permanent Forum on Indigenous Issues. It covers salient features of the outline Global Strategy on health of marginalized ethnic populations adopted by the World Health Assembly in May 2002 and outlines activities being undertaken by WHO Regional Offices. Background on health data issues is given and attention is drawn, inter alia, to a new multistakeholder initiative on children's environmental health, in which a place for indigenous children can be envisaged.

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I. Outline global strategy on health of marginalized ethnic populations

1. At the request of the Governing Body of the World Health Organization (WHO), the World Health Assembly, an outline of a Global Strategy was prepared in consultation with all WHO Regions and presented to the fifty-fifth World Health Assembly in May 2002. This outline Strategy was adopted by the Assembly, with the recommendation that the secretariat work closely with interested member States and the Permanent Forum on Indigenous Issues in elaborating it further.

2. Five areas are recommended for action in the outline Strategy:

(a) Health and demographic data and information;

(b) Health promotion;

(c) Health systems and access to care;

(d) Influencing the determinants of health;

(e) Promoting enhanced political commitment and national capacity.

3. The outline Strategy is based on a linked health and development approach. It aims to provide a broad multistakeholder framework which can be adapted to national and local situations and context. A number of suggested activities in each area have been included and work at both policy and technical levels is proposed. The suggested activities reflect the appropriate respective roles of national and international actors. At the international level, strong emphasis is placed on common United Nations mechanisms now being put in place, such as the Millennium development goals, the Poverty Reduction Strategy process and the WHO Country Focus Initiative. The outline Strategy can be consulted on the WHO web site at http://www.who.int/gb/EB_WHA/PDF/WHA55/ea5535.pdf.

The role of the World Health Organization within a global strategy

4. The work of WHO will take account of ethnicity as it is taken forward within countries and when specific subject areas are being pursued, including child health, women's health, health and HIV/AIDS, food and nutrition issues and environmental health.

II. Regional activities

Western Pacific Region

5. Reviews of the health situation of indigenous peoples or ethnic minorities are being undertaken in three countries by the WHO Western Pacific Regional Office — the Philippines, Malaysia and Viet Nam. The first two reviews are expected to be completed by August 2003. Agreement over the Vietnamese review has only recently been reached and final results are not expected before early 2004.

African Region

6. In follow-up to the outline Global Strategy, and in the context of its work on health and poverty, the African Regional Office plans a series of subregional

assessments on health and ethnicity. Headquarters is seeking funding to support those assessments, which will focus on identifying at-risk ethnic populations and data gaps in respect of such populations. This preliminary work will identify countries interested in specific follow-up work, based on the outline Strategy. National and local non-governmental organization partnerships will also be investigated.

Pan American Health Organization

7. One of the many roles of the Pan American Health Organization (PAHO) is to function as the WHO Regional Office for the Americas. In its capacity as an independent organization, PAHO will report separately on recent activities of its Indigenous Health Initiative. WHO Headquarters provided limited financial support to PAHO in the course of 2002 to help advance work in the area of data disaggregation by ethnicity. WHO and PAHO will continue to support each other in that important area. The Country Profiles available on the PAHO web site provide analyses by population groups and are a major resource for data and information on indigenous peoples' health status in the region (http://www.paho.org).

III. Data collection and disaggregation

8. WHO already disaggregates health information with respect to gender, age and, in many cases, poverty. Where appropriate, within a national setting, information will also reflect ethnicity. All WHO work with countries reflects agreed WHO cooperation strategies. At the same time, it is also designed to help national authorities pursue and then realize the Millennium development goals.

9. WHO anticipates supporting country work to disaggregate data with respect to relevant variables. That effort will contribute to the Forum's own priorities. However, as indicated in the United Nations system joint paper on that topic (E/C.19/2003/4), there are a number of technical and political constraints to accessing reliable data disaggregated by ethnicity. The efforts of WHO in that direction from 2001 to date are briefly outlined below.

Report to the World Health Assembly in 2001

10. The WHO report to the World Health Assembly in May 2001 showed that beyond a small number of developed countries and some countries in Latin America, systematic information on demographics and health statistics concerning indigenous peoples or ethnic populations is scarce. Even in Latin America, data is often considered incomplete. Data and evidence from research on issues of health and ethnicity is sporadic, often small-scale and methodologically inconsistent. Results are therefore not generalizable and are insufficient to inform policy. Data quality varies greatly. Nevertheless, a general pattern indicates that indigenous peoples and marginalized ethnic populations in many countries have lower life expectancy and health status than other population groups.

World Health Survey

11. A tool that has the potential to improve current levels of information on ethnicity is the evolving *World Health Survey*. Until recently, WHO drew its data from secondary sources, for example national health surveys. In creating its own

survey system, WHO intends to generate systematic, comparable, consistent and reliable data to help identify health inequalities and track performance against investment in health. In time, the *World Health Survey* is expected to become a major health survey mechanism worldwide. It will also serve as an instrument through which progress on the health-related Millennium development goals will be monitored.

12. Data instruments have been set up, tested and modified in 61 countries. In the test phase, representative samples of populations are being surveyed, pending national exercises when the testing is complete. Countries chosen for the test surveys are those where little or no data is available, or where significant changes affecting health are taking place.

13. A major goal is to improve the currently weak capacity for data analysis in developing countries. WHO is currently organizing data analysis workshops and report-writing workshops aimed at training nationals to transform the data findings into appropriate policy measures.

14. A question has been included in the *World Health Survey* on ethnic/racial/cultural group and on mother tongue(s). It is also envisaged that components on particular issues can be added to the "core" elements of the survey. That could provide an opportunity for interested member States to expand and refine data collection instruments in relation to ethnicity.

Millennium development goals

15. As noted by the Forum, the data collection and reporting exercises being put in place in pursuit of the Millennium development goals are relevant to the quest for data on ethnicity.

16. WHO shares lead-agency responsibility with the United Nations Children's Fund (UNICEF) for reporting on child mortality, maternal health, childhood nutritional status, malaria-prevention measures and access to clean water; WHO and the Joint United Nations Programme on HIV/AIDS (UNAIDS) collaborate in the achievement of HIV-prevention targets. Country consultation for the validation of data on development goals will take place in partnership with UNICEF, the United Nations Development Programme and the United Nations Population Fund. WHO, as the lead authority for health content of the development goals within the United Nations country teams, will play an important role in the country consultative process and in ensuring that conflicting health data are not reported through parallel channels. The reporting process will go through the following steps:

- Setting data quality standards
- Developing measurement tools, strengthening national health information systems and national capacity to analyse and use data
- Consultation within countries
- Reviewing and validating data, ultimately through global peer review
- Dissemination of data through WHO country web sites and the annual *World Health Report*.

Ways to include ethnicity as a criterion for national-level reporting will need to be sought across the United Nations system and at the country level.

Data on non-communicable diseases

17. A series of workshops on data in relation to the major risk factors which predict serious non-communicable diseases is currently being held in 10 Pacific Island countries (American Samoa, the Cook Islands, the Federated States of Micronesia, Fiji, Kiribati, the Marshall Islands, Nauru, Palau, Samoa and Tonga).

18. The latest in those workshops, held in February 2003, addressed the current availability of data in respect of tobacco and alcohol use, physical inactivity, consumption of fruit and vegetables, high blood pressure, obesity and diabetes. The workshops aim to help those countries develop a plan for establishing a surveillance system for those risk factors, for managing and analysing the data and for turning the data into policy and programme action. In due course, it will be possible to compare the distribution of risk across adult Polynesian and Melanesian populations.

IV. Healthy Environments for Children Alliance

19. During the World Summit on Sustainable Development, held in Johannesburg, South Africa, in September 2002, WHO introduced the concept of a new alliance to act for children — the Healthy Environments for Children Alliance. That Alliance, which forms a central part of the WHO response to the World Summit, is being developed through the joint efforts of national Governments, agencies and organizations of the United Nations system, intergovernmental bodies and non-governmental organizations. It provides an opportunity for intensified, multistakeholder action worldwide on the environmental risks to children's health that arise from the settings where they live, learn, play and sometimes work.

20. Millions of children die each year from ill-health conditions resulting from household water insecurity, poor hygiene and sanitation, air pollution, insect vectors of disease, unsafe use of chemicals and accidents and injuries. A substantial proportion of the global burden of disease can be attributed to environmental risk factors and over 40 per cent of that burden falls on children under 5 years of age. That unacceptable burden has prompted WHO, UNICEF and the United Nations Environment Programme, together with a wide range of other partners and stakeholders, to initiate the Healthy Environments for Children Alliance. WHO acts as the secretariat for the Alliance.

21. A Task Force is now being formed to identify future directions, methods of work and next steps for the Alliance. They will focus strongly on intersectoral action and community participation.

22. In simultaneously addressing issues of health, environment, children and poverty, the Healthy Environments for Children Alliance can provide a broad operational platform inside and outside the United Nations system. WHO envisages a focus on indigenous children within that work.

V. Planning and management of participatory research

23. A draft document on issues requiring particular attention in planning and managing participatory research with indigenous peoples will shortly be issued by WHO and the Centre for Indigenous People's Nutrition and Environment in Canada.

The document incorporates comments from English speakers. The draft is being translated into Spanish to facilitate a further round of comments. Funding for translation into other languages is being sought.

VI. Policy for relations with non-governmental organizations

24. The principles governing relations between WHO and non-governmental organizations are currently being reviewed. A new policy is being considered, consisting of elements of accreditation and collaboration. That may, if approved by the WHO Governing Bodies, replace the current system, which is now felt to be insufficient to meet the current needs of WHO and the aspirations of civil society. Information about WHO work with civil society and the proposed new policy can be found at http://www.who.int/governance/civilsociety/en/. The Forum will be kept informed of progress in that respect.

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United Nations Human Settlement Programme

Summary

In its work addressing the needs of vulnerable and disadvantaged groups, including indigenous peoples, the United Nations Human Settlements Programme (UN-HABITAT) receives guidance from the Habitat Agenda and all other international instruments and frameworks related to economic and social development and human rights. UN-HABITAT, focusing on inclusiveness in human settlements and social integration and the realization of housing rights, undertakes its activities related to indigenous peoples within three initiatives, the Global Campaign on Urban Governance, the Global Campaign for Secure Tenure and the United Nations Housing Rights Programme. In response to the outcome of and requests made at the first session of the Permanent Forum on Indigenous Issues, UN-HABITAT, jointly with the Office of the United Nations High Commissioner for Human Rights, is undertaking a specific research project on indigenous people's right to housing. The objective of the study is to identify the current status of, obstacles to and practical solutions for greater protection and promotion of housing rights of indigenous peoples. Specific attention will be paid to the various elements of the right to adequate housing, such as security of tenure, accessibility, affordability and cultural adequacy, which will be analysed in the context of indigenous peoples. The principles of equality and non-discrimination will be linked to each of those elements throughout the research. The study will provide a compilation of information, an analysis of the existing situation and a forward-looking perspective on actions at various levels, which can contribute to improvements in the lives of indigenous peoples, particularly indigenous women. The study will not only analyse existing relevant instruments related to adequate housing and indigenous peoples but will also

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review and analyse how they could be linked. It will address also such issues as whether there is a need for developing new norms or interpretation of relevant rights. Beneficiaries of the study will be policy makers dealing with the rights of indigenous people in general and housing rights in particular, researchers, practitioners and organizations involved in related issues. Ultimate beneficiaries will be the indigenous people, particularly indigenous women, who may be able to use the findings and recommendations of the research report for the improvement of their living conditions.

I. Background and general context

1. The United Nations Human Settlements Programme (UN-HABITAT) supports and advances the principles of a human rights-based approach and framework for development and the principle that the right to development and other economic social and cultural rights are inalienable human rights, whereby every person and all peoples are entitled to participate in, contribute to and enjoy the benefits of development. UN-HABITAT works towards that goal, with a focus on increasing inclusiveness and social integration and the realization of housing rights as an effective means of improving living conditions in human settlements.

2. Within that approach and framework, UN-HABITAT receives guidance from the human rights treaties and their supervisory bodies, above all from the Habitat Agenda, to promote the well-being of and to protect the urban poor and vulnerable and disadvantaged groups, including protecting indigenous peoples' rights to land, housing and property and other economic resources.

3. The Habitat Agenda addresses issues of indigenous peoples extensively: 14 of the total 241 paragraphs in the Habitat Agenda make reference to the topic, elaborating on current conditions and needed actions. In particular, paragraph 122 provides extensive guidance to Governments and leaders of indigenous communities in order to promote the continuing progress of indigenous peoples and ensure their full participation in the development of the rural and urban areas in which they live, with full respect for their cultures, languages, traditions, education, social organizations and settlement patterns.

4. With those objectives and guidance and through its diverse activities, UN-HABITAT seeks to raise the awareness and enhance the capacity of central and local government policy makers and stakeholders so that housing, land, property and other socio-economic issues can be addressed in more effective measures related to the promotion, protection and fulfilment of human rights of all populations, including the urban poor, vulnerable and disadvantaged groups, and indigenous peoples who live in human settlements. Particular focus is placed in that process on the needs of indigenous women, who in many cases and societies do not enjoy the same status and benefits as men.

5. Since the United Nations Conference on Human Settlements (Habitat II), held in 1996, UN-HABITAT has intensified its activities on issues related to inclusive cities and the realization of human rights in general and housing rights in particular, with special focus on the rights of the poor and, vulnerable and disadvantaged groups, including indigenous peoples living in human settlements. Actions of UN-HABITAT relevant to those contexts are implemented as part of and contribution to its two global campaigns: the Global Campaign on Urban Governance and the Global Campaign for Secure Tenure.

Global Campaign on Urban Governance

6. UN-HABITAT has launched the Global Campaign on Urban Governance with a strategic focus on urban poverty reduction. The Campaign is the product of an emerging consensus that the quality of urban governance has a tremendous impact on poverty reduction efforts. Many local authorities, for example, control issues related to the access, cost and regulation of land-use, housing, infrastructure and basic services. They are also responsible for local economic development, including

the informal sector. Moreover, the ability of the urban poor and vulnerable and disadvantaged groups, including indigenous peoples, to participate effectively in local decision-making processes has a considerable impact on whether strategic plans are designed and implemented to address their needs and interests.

Global Campaign for Secure Tenure

7. The Global Campaign for Secure Tenure, which was launched in July 2000, is an advocacy instrument of the United Nations designed to promote the rights of the urban poor and other vulnerable and disadvantaged groups, including indigenous peoples, to participate in processes of settlement upgrading and urban development. By promoting the application of secure forms of tenure and by encouraging negotiation as an alternative to forced eviction, the Campaign strengthens collaboration between Governments at all levels and the urban poor and vulnerable and disadvantaged groups, including the indigenous peoples. Secure tenure is regarded as a strategic entry point to eradicate urban poverty. With security of tenure, people living and working in informal settlements are more likely to invest their own resources in shelter and basic services, and to make claims on public investment and attract private investment. Furthermore, security of tenure promotes the integration into society as urban citizens of slum dwellers in general and of urban poor and vulnerable and disadvantaged groups, including indigenous peoples, in particular.

United Nations Housing Rights Programme

8. In support of the above activities and in collaboration with the Office of the United Nations High Commissioner for Human Rights and in compliance with resolution 16/7 of the Commission on Human Settlements and resolutions 2001/28 and 2001/34 of the Commission on Human Rights, UN-HABITAT has initiated the United Nations Housing Rights Programme. The primary objective of the Programme is to promote and contribute to the global process of the full and progressive realization of the human right to adequate housing for the urban poor and vulnerable and disadvantaged groups, including indigenous peoples.

9. Ir addition to a general focus on the right to adequate housing for all, the Housing Rights Programme has a particular focus on the rights of vulnerable and disadvantaged groups, including indigenous peoples. Furthermore, one of the immediate objectives of the Programme is to promote awareness of and effective measures concerning the gender dimensions of the right to housing. The promotion and protection of indigenous women's equal right to housing, land and property is an integral part of that objective. Although research on the rights of indigenous peoples has to date focused mainly on their land rights, there still is a need to identify to what extent indigenous peoples' housing rights are recognized and implemented.

II. Current focus and activities

10. As noted by the Executive Director of UN-HABITAT during her address to the Forum at its first session, the United Nations Housing Rights Programme, which is implemented jointly by UN-HABITAT and the Office of the United Nations High

Commissioner for Human Rights, has initiated a study on indigenous peoples' right to housing. The study is expected to be completed by the end of 2003.

11. The objective of the study is to identify the current status of, obstacles to and practical solutions for greater protection and promotion of housing rights of indigenous peoples. Specific attention will be paid to the various elements of the right to adequate housing, such as security of tenure, accessibility, affordability and cultural adequacy, which will be analysed in the context of indigenous peoples. The principles of equality and non-discrimination will be linked to each of those elements throughout the research. The study will provide a compilation of information, an analysis of the existing situation and a forward-looking perspective on actions at various levels, which can contribute to improvements in the lives of indigenous peoples, particularly indigenous women. A team has been jointly organized in UN-HABITAT and the Office of the High Commissioner to work on the initiative, and a consultant has been engaged to work specifically on the topic.

12. Beneficiaries of the study will be policy makers dealing with the rights of indigenous peoples in general and housing rights in particular, researchers, practitioners and organizations involved in related issues. The ultimate beneficiaries will be the indigenous peoples, particularly indigenous women, who may be able to use the findings and recommendations of the research report for the improvement of their living conditions.

13. The study will undertake a review of the conditions of indigenous peoples and will include a focus on indigenous women's equal rights to adequate housing. Utilizing UN-HABITAT and Office of the High Commissioner literature related to land, housing, property and inheritance rights, the study will also review other United Nations and above all non-United Nations sources. In addition, a questionnaire on the research topic will be prepared and sent by the Office of the High Commissioner to the networks/organizations of indigenous peoples. Furthermore, indigenous peoples' networks in the geographical or subject areas of focus will be contacted as much as possible, and interviews will be carried out with men and women representatives of such networks, as well as any other relevant experts and organizations.

14. The study will not only analyse existing relevant instruments related to adequate housing and the indigenous peoples but will also review and analyse how they could be linked. It will also address such issues as whether there is a need for developing new norms or interpretation of relevant rights. Within that context, the study will focus on the following main points:

- The concept "indigenous" will be analysed in the context of both developing and developed countries. Case studies will be presented for all major regions, including Africa, Asia, Australia, New Zealand, Europe, North America and South America.
- Particular focus will be placed on human settlements and exclusion (different sized settlements, such as metropolitan regions, medium-sized cities, small settlements, including rural settlements, and specific situations to indigenous peoples, such as "on reserve" and "of reserve").
- When addressing the right to housing, cultural adequacy dimensions will specifically be elaborated.

- Evictions, particularly development-based evictions in the context of indigenous peoples will be analysed.
- Documentation of good and bad practices regarding indigenous peoples' right to adequate housing (research findings and evaluation of those findings in the local and national context will be the baseline for the evaluation. Major policy/information documents related to the topic, such as the general comments of the Committee on Economic, Social and Cultural Rights and the Committee on the Elimination of Discrimination against Women, the Habitat Agenda and the United Nations Human Rights Programme programme document, also provide a guiding framework for that purpose).
- A review and analysis will be carried out of international instruments and related standards related to indigenous peoples, including indigenous women, in particular with respect to their housing rights. The review should include an assessment of possible shortcomings and areas where new instruments may be required.
- A review and analysis will be carried out of existing national legislation that promotes and protects indigenous peoples' rights to housing, including land and property.
- The existence will be studied of discrimination in law and policies and practices against indigenous peoples in general and indigenous women in particular with respect to access to and control over land, housing, property and inheritance.
- During the course of the study, available disaggregated statistical data on indigenous peoples will be compiled and analysed vis-à-vis the rest of the population to provide an overall picture of the discrimination/exclusion confronted by indigenous peoples.
- Other initiatives will be analysed, relating to the eradication of discriminatory practices against indigenous peoples, particularly women, with respect to the recognition and implementation of their housing rights.
- It is important to link the housing rights of indigenous peoples with the question of the status of land rights, especially where indigenous land has been nationalized or expropriated in the name of national interests, which in many cases may have resulted in forced evictions and displacement of indigenous peoples not only from their land but also from their houses. It is also important to analyse both the privatization and the nationalization of land and their effects on the right to housing.

III. Relation of UN-HABITAT activities to issues emphasized at the first session of the Forum requiring action from United Nations organizations and bodies

15. As explained in sections I and II above, UN-HABITAT is addressing most of the issues raised in the first session of the Forum within its general activities aimed at improving living conditions of the poor vulnerable and disadvantaged groups, including indigenous peoples, as well as through its specific research initiative on indigenous peoples' right to housing undertaken within the United Nations Housing

Rights Programme implemented jointly with the Office of the United Nations High Commissioner for Refugees. That initiative was developed in response to chapter I, paragraphs 3 (a) and 25 (e) and (h) of the report of the Forum on its first session. The study will also contribute to the United Nations system-wide work as defined and requested in chapter I, paragraphs 3 (a), 3 (b), 3 (c), 8 and 24, of the same report, and to the requirements of paragraph 5 of General Assembly resolution 57/191.

16. As to its general contribution, it should be noted that UN-HABITAT is emphasizing the need for disaggregation of data in its work so as to more effectively address the needs of vulnerable and disadvantaged groups including indigenous peoples. Indeed, the current specific research project on indigenous peoples' right to housing, and the planned information and data-collection activities regarding monitoring and evaluation of progress on Millennium Development Goals, particularly target 11 on slums, aim specifically at the disaggregation of data.

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Finland

1. The recommendations contained in the report of the Permanent Forum on Indigenous Issues on its first session concern Finland, especially with respect to the Saami.

2. The number of Saami in Finland is about 7,000.[1] The majority of them, some 4,000, still live in their native area, known as the Saami Homeland, *Sámiid ruovttuguovlu*, which is constituted by the four northernmost municipalities in the Province of Lapland-Utsjoki, Inari, Enontekiö and the northern part of the municipality of Sodankylä.

3. Since the amendment of the Constitution of Finland in 1995, the Saami have enjoyed cultural autonomy with respect to their language and culture within the Saami Homeland. The Saami Parliament in Finland is an elected body of representatives of the Finnish Saami. As part of the Saami cultural autonomy, the Saami Parliament deals with issues concerning Saami languages and culture, and the status of the Saami as an indigenous people.

> "The Forum calls upon States to adopt the draft United Nations declaration on the rights of indigenous peoples before the end of the decade."[2]

4. The adoption of the draft declaration as promptly as possible would constitute an important step towards a better promotion and protection of the rights of the indigenous peoples. Finland has actively participated in the work of the working group preparing for the draft declaration, and has committed itself to the common goal, namely, the adoption of the draft declaration by the General Assembly before the end of the International Decade of the World's Indigenous People, in 2004.

5. Finland considers the draft declaration to be ready for adoption for the most part. Finland has sought to respect as much as possible the original wording of the

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draft declaration, for instance, by seeking flexible interpretations which would enable the adoption of the draft declaration with as few changes as possible.

> "The Forum encourages States to include representatives of indigenous peoples' organizations in their delegations to the informal intersessional meeting on the draft United Nations declaration on the rights of indigenous peoples."[3]

6. With regard to the elaboration of the draft declaration, Finland has promoted transparent and open proceedings for all parties concerned, as well as equal rights of participation in the different stages of the process of negotiation. Finland welcomes recent developments in transparency, especially the possibility for the representatives of indigenous peoples to participate in the intergovernmental meeting held during the December 2002 session of the working group.

7. To date, the informal intersessional meetings have been open only to the representatives of Governments. To better include representatives of indigenous people in the negotiation process, the Finnish delegation has informed the Saami Parliament within its limitations on the content of those informal intersessional meetings.

8. Continuing to cooperate on the issue of indigenous peoples, the Nordic countries have organized unofficial meetings on the draft declaration, which have been open to representatives of both the Governments and indigenous peoples of the Nordic countries. The Government of Finland has financed the participation of a representative of the Saami Parliament in those meetings.

9. In addition, a representative of the Saami Parliament financed by the Government of Finland had the possibility to participate in the December 2002 session of the working group as part of the Government of Finland's delegation.

> "The Forum encourages States to undertake consultations with indigenous peoples to elaborate constitutional provisions and State policies relating to indigenous issues."[4]

10. By virtue of the cultural autonomy of the Saami, the Saami Parliament may take initiatives, make propositions and submit statements on matters concerning Saami languages and culture and the status of the Saami as an indigenous people. Most importantly, the Finnish public authorities have a legal duty to consult the Saami Parliament on all far-reaching and important matters and measures that could immediately and in a specific way affect the position of the Saami as an indigenous people (Saami Parliament Act 9), such as mining claims, social planning, leasing state land and establishing nature reserves, sources of livelihood connected to the Saami culture, education in and about the Saami languages, social and health-care services, and any other such issues that have an influence on the Saami languages, culture or the status of the Saami as an indigenous people.

11. Even though the idea of guaranteeing the Saami a seat in the Finnish Parliament has been rejected so far, an obligation for the Government and Parliament to hear the Saami in all matters of special concern has been introduced into Finnish legislation.

> "The Forum requests that Governments include in their programmes and plans and in their educational and cultural policies the contents of the indigenous knowledge, indigenous spiritual and religious traditions, indigenous customs and ceremonies, as well as indigenous histories, visions of the cosmos, philosophies and values. The rights of the indigenous peoples to their sacred

sites and ceremonial objects and to the distribution of their ancestral remains should be respected. They wish to have their cultural properties returned to them, particularly if those properties were taken without their permission, as well as the restoration and protection of their environment, lands and resources. The cultural heritage, made up of the archaeological zones and sacred sites that are used for tourism, should be taught to non-indigenous children and young people so that they know the contribution of indigenous culture to all societies and to this globalized world."[5]

12. According to the concept of cultural autonomy, it is the Saami Parliament that decides how money set aside in the national budget for the benefit of the Saami culture and support of the organizational activities of the Saami is to be distributed. In 2003, the culture appropriation for the Saami from the state budget, under the section of the Ministry of Education, amounted to 168,000 euros.

13. The culture appropriation has been a significant support to the Saami community and has helped to promote activities of the approximately 30 Saami organizations in Finland. The Saami organizations play an especially important role in promoting the participation of the Saami in Finnish society, the development and revival of Saami languages and culture, and the upholding of Saami traditions and their transmission to new generations. The appropriation is distributed through grants and subsidies, on application. Furthermore, special culture prizes are regularly awarded without application.

14. In addition to the culture appropriation, the Finnish Ministry of Education supports financially activities of artistic relevance to the Nordic Saami, notably the work of the Finnish Department of the Saami Council. The Saami Council is a consultative body of Saami organizations and associations in Finland, Norway, Sweden and the Russian Federation. In that context, it is important to note that the Saami culture in Finland is currently booming.

15. The Siida Museum in Inari, Lapland, displays a wide range of indigenous cultural objects and other properties, as well as comprehensive examples of spiritual and material traditions of the three Saami cultures present in Finland (the North, Inari and Skolt Saami). According to the data-recording plan of the Museum, the Siida Museum is responsible for the recording of data from the area of the Saami Homeland, as well as for the inclusion of the activities of the Finnish Saami abroad. In addition, the Siida Museum is in the process of planning a European Union project to map the cultural properties of the Saami that remain abroad and, if possible and needed, to obtain those cultural objects or any such properties of the Saami for long-term loan to the Museum. The Museum also includes an open-air museum, which was restored in 2000 with the help of the European Regional Development Fund, the Finnish Ministry of Education and the Saami Museum Foundation.

16. The University of Helsinki has undertaken a project on an encyclopaedia of Saami culture. The objective of the project is to collect systematically information on the Saami culture and to provide a comprehensive electronic database in the course of the year 2003. The database will include information on the rights of the Saami, Saami languages, history, popular tradition, mythology, music, economy, nature, art etc. With the support of the European Union, the Finnish Ministry of Education and the Finnish Cultural Foundation, the database should be published in book format in 2004.

17. Since the 1999 Act on Comprehensive Education, a separate state subsidy has regularly been issued to local governments and other education providers situated in the Saami Homeland. The state subsidy is aimed to support and promote education in and about the Saami languages. In 2003, the conditions of the state subsidy were revised to enable the providing of education in and of the Saami languages to even smaller groups and thus a wider audience overall.

18. On an experimental basis for the curriculum of basic education, the education of language and cultural minority groups, notably the Saami, has been acknowledged. The results of the experiment will be taken into consideration in the curriculum to be adopted in 2004. For the academic year of 2003-2004, the teaching of the Saami culture was included in the curriculum of basic education. After the experiment, that basis is to be adapted to apply to all Finnish schools of basic education.

19. The experimental basis for the curriculum mentions values in addition to basic education that include human rights, the principle of equality, democracy, sustainable use of the environment and the acceptance of multiculturalism. It further notes that the point of departure for teaching is the Finnish culture developed in the interplay of indigenous, Nordic and European cultures. Furthermore, national and local specificities, national languages, the two churches, the Saami as an indigenous people and national minorities should be taken into consideration in the teaching process.

20. The issue of the rights of the Saami to the lands of Northern Lapland remains problematic. The Government of Finland has yet to ratify the 1989 International Labour Organization Convention No. 169 concerning indigenous and tribal peoples in independent countries, because Finnish legislation does not fully acknowledge, inter alia, the rights of ownership and possession over the lands which the Saami traditionally occupy. The Government of Finland is currently in the process of studying the conditions for ratification.

21. However, in that connection it is important to stress that a great deal of the land in Northern Lapland constitutes nature reserves, wilderness areas, and national and natural parks. In the wilderness areas, the local population, including the Saami, has maintained traditional rights to fish and hunt. In the nature reserves and national parks, the local population generally also has the right to herd reindeer, which is considered a traditional source of livelihood of the Saami.[6] Since the land-use restrictions are enacted in the regulations and charters of national parks, it is especially noteworthy that the Saami are represented on all the advisory boards of the national parks.

Notes

[1] Figures provided in 1995 by the Saami Parliament in Finland.

[2] See *Official Records of the Economic and Social Council, 2002, Supplement No. 23* (E/2002/43/Rev.1), chap. I, sect. B, para. 18.

[3] Ibid., para. 19.

[4] Ibid., para. 23.

[5] Ibid., para. 27 (c).

[6] It should be noted that in contrast to Sweden and Norway, reindeer herding in Finland is not an exclusive right of the Saami.

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Mexico

I. Introduction

1. This report contains information on Mexican public policy and government programmes and activities. Much of the information is derived from the recent reform of the Political Constitution of the United Mexican States in the area of indigenous culture and rights, and the guidelines contained in the National Programme of Action for the Development of Indigenous Peoples 2001-2006. A synthesis of the activities carried out by the Mexican Government is presented, with information on the work done by specialized bodies; as a result, with some exceptions that will be noted, data will not be provided on the regular programmes conducted by the various Federal agencies.

2. The main targets of these activities are the indigenous peoples of Mexico, the sector of society with the highest indicators of poverty and marginalization in our country. This is the largest indigenous population group in the Americas (12,707,000 persons, according to figures from 2000), living predominantly in 801 of the country's 2,433 municipalities. Of these 801 indigenous municipalities, 3 are very slightly marginalized, 12 are slightly marginalized, 79 are somewhat marginalized, 407 highly and 300 very highly marginalized.[1]

II. Health and nutrition

Health and nutrition programme for indigenous peoples

3. This programme was established in the second half of 2001 as a response to the demands of the indigenous population concerning their health care. During 2002 the programme was strengthened in 361 municipalities in 13 federative entities, and

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coverage was extended to 550 municipalities in 18 federative entities to provide care specifically for 203,411 children under age two and 169,717 pregnant women and nursing mothers.

National system for the integral development of the family

Programmes for nutritional support

4. During 2002, the School Breakfast Programme and the Programme for Food Assistance to Families benefited a population of 3,673,980 school children and 450,000 families living in 602 indigenous municipalities (557 in 2001). The total number of families represents an increase of 7 per cent over 2001.

5. Two areas of enormous interest to indigenous peoples were the subject of special programmes: promotion of traditional indigenous medicine and care for patients requiring specialized tertiary care services.

III. Human rights

Access to justice

6. Within the framework of cultural diversity as recognized in the Political Constitution of the United Mexican States, the Programme for Access to Justice of the National Institute of Indigenous Affairs (INI) focuses on the promotion, recognition and protection of human and indigenous rights, by encouraging the establishment of conditions for effective access by indigenous peoples, communities and individuals to the national system of justice through two basic strategies: (a) action aimed at providing indigenous peoples with effective access to the national system of justice and (b) support for legislative amendments that promote the recognition of indigenous rights.

7. Funding was granted to 208 indigenous civic associations and non-governmental organizations and cooperation agreements were set up between INI, the National Human Rights Commission, and the High Agrarian Court; legal services were provided to 479 agrarian units; 881 indigenous persons who had been detained were released; and 759 studies on legal anthropology were conducted.

IV. Economic and social development

Programme for the Development of Indigenous Peoples and Communities (Indigenous Fund)

8. The federal expenditure budget for 2002 included the establishment of the Programme for the Development of Indigenous Peoples and Communities, with an allocation of 1 billion pesos (approximately US$ 100 million), to be implemented in the country's indigenous regions. It is administered by the Secretariat for Social Development. The Office of the Representative for the Development of Indigenous Peoples (ORDPI) participates in the programme through promotion, coordination and follow-up of activities by federal and state agencies, in order to help them meet the most pressing needs of indigenous peoples.

Programmes for indigenous rural development

9. In 2002, a reordering of rural development programmes was undertaken, for the purpose of optimizing their operation and the use of public resources, and to give priority to social investment in highly and very highly marginalized indigenous regions, through the Temporary Employment Programme, Programme of Support to Rural Investment Projects, Programme for the Strengthening of Business in the Rural Sector and Capacity-Building Programme for Rural Development.

Support to indigenous agricultural producers

10. Through the Regional Funds project, INI allocated federal resources to support communities, groups and organizations of indigenous farmers for the financing of viable production projects, in order to stimulate local and regional sustainable development through progressive capitalization.

Intersectoral programme for indigenous women

11. Strategic elements were identified for the production, commercialization and organization of the handicrafts made by indigenous women based on variables of gender, culture, profitability and sustainability in the current local, regional, national and international context.

V. Education and culture

Improvements in the quality of education and expansion of indigenous education coverage: bilingual education (initial, pre-school and primary)

12. The total number of students in initial and basic indigenous education during the last school year (2001-2002) amounted to 1,145,157 indigenous children aged 14 and younger, with the participation of 50,356 teachers who served in 18,018 educational centres. In initial indigenous education, during 2002, 50,890 parents were trained, which benefited 49,675 children in 1,822 centres with 2,031 instructors.

13. During the 2001-2002 school year, a total of 288,952 children aged 3, 4, 5 and 6 attended indigenous pre-schools. This represents an increase of 0.9 per cent over the previous year (equivalent to 2,611 students). Indigenous primary education covered 806,530 children, 3.2 per cent more than the previous year, for an increase of 25,070 indigenous children.

National Indigenous Communications Programme

14. The Indigenous Cultural Radio Stations System is found in 15 states of the Republic. It is made up of 20 radio stations operating on the AM band and four experimental low-power stations operated by Maya children on the Yucatán peninsula transmitting over the FM band, reaching 954 municipalities with a potential audience of 21.6 million radio listeners, of whom 5.5 million are indigenous. Broadcasts are in 31 indigenous languages and Spanish.

Promotion of indigenous cultures

15. INI and the Office of Popular Culture were the two federal institutions most active in this area. During the fiscal year they financed over 2,000 cultural projects presented by groups, organizations, civic associations, cooperatives and creators, for activities in the areas of training, outreach, research and cultural support. The Indigenous Languages and Literature Programme supported many community initiatives concerning reading and writing in various languages, meetings with writers, poetry and linguistic planning workshops, and the Diploma in Literature in Contemporary Indigenous Languages.

VI. Environment

Productive Agro-ecology Project

16. The Productive Agro-ecology Project focuses on promoting the preservation of biological diversity, furthering the rational use of natural resources by indigenous communities and groups and improving living conditions.

Sustainable use of natural resources

17. In coordination with INI, a contest was begun for "Successful production projects for the management and preservation of the indigenous natural and cultural heritage", for indigenous people in Chiapas, Hidalgo, Nayarit, Oaxaca, Puebla, Quintana Roo, Tabasco, Yucatán and the Federal District who are achieving sustainable management of their natural resources.

18. The strategy of conservation for development includes the following approaches to action, among others: Regional Sustainable Development Programme (PRODERS)[2] and the Temporary Employment Programme (PET),[3] whose aims are to promote the preservation and diversity of ecosystems in land and marine areas by fostering a "culture of conservation".

19. The Secretariat for Environment and Natural Resources received 55 requests from the Yaqui, Seri, Cucapa, Tarahumara, Huichole, Cora, Zapoteca, Otomie, Nahua, Popoluca, Chocholteca, Chinanteco, Lacandone, Tzeltale and Maya communities concerning the use and management of natural resources and the prevention and control of water pollution.

VII. Children and youth

Scholarships from the National Institute of Indigenous Affairs to boarding-school children

20. The basic purpose of the programme Operation Indigenous Boarding Schools is to help indigenous children living in extreme poverty receive primary education, by providing them with housing, food, medical care and educational support, to foster their sound physical and mental development. During 2002, services were offered to 60,494 children located in over 1,000 establishments operated by INI.

Academic support for indigenous youth

21. The goal of this INI-funded project is to provide support for the education and training of indigenous youth through scholarships to public universities, the music schools at Oaxaca and Michoacán, and the master's degree programme in Indo-American linguistics.

International sphere

22. The promotion and international recognition of the rights of indigenous peoples is one of the priority objectives of the Mexican Government. The adoption of the Declaration on the Rights of Indigenous Peoples, now being negotiated under the auspices of the Commission on Human Rights, will represent a fundamental contribution to the rights of indigenous peoples.

23. With the aim of strengthening relations with international bodies and agencies which specialize in indigenous matters, INI and ORDPI, coordinating with the Secretariat for External Relations and with indigenous organizations, participated from January to December 2002 in various forums, seminars, workshops, conferences, meetings, working tours, and signing of cooperation agreements, including:

- Establishment of the Board of Indigenous Rights within the Mechanism for Dialogue with Civil Society Organizations, on the initiative of the Inter-secretariat Committee for the Fulfilment of Mexico's Human Rights Obligations
- Proposal for restructuring of the Fund for the Development of the Indigenous Peoples of Latin America and the Caribbean.

24. During 2002, the head of ORDPI developed a broad agenda of international topics and attended 11 international meetings and conferences of major importance to the subject of indigenous peoples.

Notes

[1] *National Programme for the Development of Indigenous Peoples 2001-2006*, Mexico, p. 32.

[2] Through this programme, in 2002, 239 communities were reached in nine PRODERS regions and 29 protected natural areas were formed, for a total investment of 14,920,859,000,000 pesos (approximately $1,492,085,900). These programmes covered 14,298 people benefited directly and 103,672 indirectly, of whom 15,971 were indigenous.

[3] This programme utilized resources of 34,057,000 pesos, 16,150,000 pesos from the PRODERS budget, 9,138,000 pesos from the budget for protected natural areas and 8,769,000 pesos from programmes of other institutions that were negotiated by the natural protected areas programme.